

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No.18299 of 2018
Decided on: 19.07.2018**

Pankaj Malik

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sandeep Singh Jattan, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.37 dated 27.03.2017, for offence punishable under Sections 307, 332, 333, 353, 412, 420, 186, 473, 120-B, 216 of the Indian Penal Code (in short 'IPC') (Sections 279, 337 IPC stands deleted), 25 and 29 of the Arms Act and 3 of the Prevention of Damage to Public Property Act, 1984 (added later), registered at Police Station Panjokhra, District Ambala.

Counsel for the petitioner has submitted that the petitioner was not arrested at the spot. It is further submitted that after 10 days, on the basis of the disclosure statement of the co-accused that the petitioner was also involved in the incident, the petitioner was arrested.

Counsel for the petitioner has further submitted that initially the FIR was registered under Section 279 and 337 IPC and subsequently, other Sections were added. It is further submitted that the petitioner is in judicial lock up for the last more than 01 year 03 months

and out of 29 prosecution witnesses, only 02 PWs have been examined, so far.

Counsel for the petitioner has further argued that the co-accused of the petitioner namely Ankush, Anuj, Surya Partap Singh @ Noni, have also been granted the concession of regular bail vide orders dated 26.04.2018, 13.10.2017 and 23.02.2018 passed in CRM-M Nos.7185 of 2018, 37859 of 2017 and CRM No.41919 of 2017 filed in CRR No.3110 of 2017, respectively. It is further submitted that another co-accused namely Rahul Walia has also been granted the concession of regular bail by the Additional Sessions Judge vide order dated 19.06.2018 and conclusion of the trial will take some time.

Counsel for the State, on instructions from ASI Balkar Singh, has however opposed the prayer for bail on the ground that recovery of weapon was effected from the petitioner and as per the Custody Certificate, he is involved in other cases/FIRs.

In reply, counsel for the petitioner has submitted that in FIR No.110 of 2014, the petitioner is facing the charge under Section 216 IPC and is on bail and in FIR No.67, he has already been acquitted by the trial Court and in all the other FIRs, as mentioned in the Custody Certificate, he is on bail. Counsel for the petitioner has further submitted that all the prosecution witnesses are official witnesses and there is no chance for the petitioner to tamper with the evidence.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial lock up for the last 01 year and 03 months and only 02 prosecution witnesses have been examined; some of the co-accused of the petitioner have already been

granted the concession of regular bail, as noticed above and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to the following conditions:-

- (a) The petitioner will be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.*
- (b) The petitioner shall furnish bail/surety bonds to the tune of Rs.1,00,000/- each, with 02 sureties.*
- (c) The petitioner will also furnish an undertaking of one family member that he/she will keep a surveillance on the petitioner and he/she shall be responsible in case, the petitioner commits such or similar offence in future.*

Disposed of accordingly. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

19.07.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No