

CRM-M-4286-2021 (O&M)
Date of Decision: 09.03.2021.

Sumit

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. M.D. Khan, Advocate for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, during pendency of trial, in case FIR No.0463 dated 08.09.2020, registered under Section 25 Arms Act and Sections 398 and 401 IPC, at Police Station City Palwal, District Palwal.

3. Learned counsel contends that on 08.09.2020, the petitioner and two other persons were arrested by a police party while going on motorcycle No.HR3U-9381 on the allegation that the said three persons were planning to commit robbery and when they were apprehended, iron rods and country made pistol with cartridges were recovered from them. Learned counsel contends that investigation has been completed, challan has been presented on 06.11.2020, but charges are yet to be framed and the next date is 07.04.2021 and that in the circumstances, trial would take considerable period of time and no useful purpose would be served by

allowed bail by the learned Addl. Sessions Judge, Palwal, vide order dated 10.02.2021.

4. Learned DAG, Haryana, has not disputed the aforementioned facts.

5. I have considered the submissions of learned counsel for the parties.

6. Admittedly, the accused is in custody ever since his arrest i.e. 08.09.2020. Investigation is complete, challan has been presented, while charges are yet to be framed. Besides as stated by learned counsel for the petitioner and confirmed by the learned State Counsel, the petitioner is not involved in any other criminal case, and co accused Kallan has been released on regular bail by the learned Addl. Sessions Judge, Palwal, vide order dated 10.02.2021.

7. In view of the position noted above, the petition under Section 439 Cr.P.C. is allowed and the petitioner is ordered to be released on bail during the pendency of the trial in the instant case subject to his furnishing bail bonds/surety to the satisfaction of the learned trial Court/CJM/Duty Magistrate, provided he is not required in any other case, subject to the conditions that (i) he shall not make any inducement, threat or promise to any person acquainted with the facts of the case, (ii) he shall not leave India without the prior permission of the Court and (iii) he shall appear before the Court on each and every date of hearing. It is further made clear that in case the petitioner is found involved in a similar case, while he is on bail in the instant case, it would be open to the prosecution to move an application for

cancellation of bail granted to the petitioner in the instant case. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

09.03.2021.
'Rajesh'

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