

202-5

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 43762 of 2018 (O&M)

Decided on: 18.08.2021

Bijender Singh

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ashish Chaudhary, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Sumeet Goel, Sr. Advocate
with Mr. A.K. Ranolia, Advocate
for the respondent – CBI.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.118 dated 27.02.2016, registered at Police Station Urban Estate, Rohtak, District Rohtak, which was later handed over to CBI and fresh FIR No.RCCHG512016S0014 dated 06.10.2016 registered under Sections 120-B, 148, 149, 186, 188, 307, 353, 395, 427, 436, 452 IPC and 25/54/59 of the Arms Act and 3 and 4 of the Prevention of Damage to Public Property Act, 1984 at Police Station CBI, SCB, Chandigarh.

The operative part of the order dated 05.10.2018, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“....Learned counsel for the petitioner submits that co-accused of the petitioner, namely, Ashok Kumar Balhara has been released on interim bail and the said case is now fixed for hearing on 14.11.2018. The case of present petitioner is at par with said accused. The petitioner was not found to be reflected in the CCTV

CASE HEARD THROUGH VIDEO CONFERENCING

footage but he has been identified as per allegations.

Learned counsel for respondent No.2-CBI has not disputed the release of co-accused of the petitioner on bail but opposes the bail on the ground that the petitioner has been identified by the witnesses and from the call details, it has been proved that he was present at the place of occurrence.

Since the petition filed by co-accused is pending for 14.11.2018 after issuing notice of motion and passing of interim order.

Adjourned to 14.11.2018.

To be heard along with CRM-M No.42120 of 2018.

However, the petitioner is directed to appear before the trial Court on the next date of hearing i.e 08.10.2018 and in case, he surrenders before the trial Court on said date, he shall be released on interim bail on his furnishing bail/surety bonds to its satisfaction....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 05.10.2018, the petitioner has already surrendered before the trial Court and he has not misused the concession of interim bail.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact.

Considering the fact that the present petition is pending since 2018 and a period of more than 03 years has elapsed and the petitioner has not misused the concession of interim bail, this petition is allowed and the interim bail granted to the petitioner vide order dated 05.10.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

18.08.2021

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No