

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

**CRM-M No. 3782 of 2021 (O&M)
Date of Decision: 16.08.2022**

Tej Prakash

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjeev Majra, Advocate,
for the petitioner.

Mr. Ashok Kumar Sehrawat, Deputy Advocate General, Haryana

MAHABIR SINGH SINDHU, J.

1. Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for seeking regular bail, pending trial in FIR No. 62, dated 23.02.2019, under Sections 302, 386, 34, 120-B of the Indian Penal Code, 1860, and Section 25 of Arms Act, 1959, registered at Police Station Badshahpur, District Gurugram (Haryana).

2. Allegations in brief are that on 23.02.2019 on receipt of telephonic information regarding one person having been shot, S.I. Kartar Singh reached Medanta Hospital where the injured had been taken. There complainant-Dheeraj made statement to S.I. Kartar Singh that on 22.02.2019 he received a call from Vijay Batra and when he was going to meet him and reached in front of Parsvanath Green Villa, he saw Vijay Batra lying injured in his car and came to know that some persons who came in car bearing registration No. HR-26-DS-6435 had fired at him. He took Vijay Batra to Medanta Hospital where he was declared brought dead. About one and half months back, Vijay Batra had told him that Kaushal, a gangster of Naharpur

Rupa had been demanding amount of Rs. 50,00,000/- from him and had

threatened to kill him if the amount was not paid. In view of statement of complainant-Dheeraj, the above FIR was registered. During investigation one of the co-accused-Satish @ Pavva implicated the petitioner on which the petitioner was arrested on 12.10.2020.

3. This Court, on 06.08.2021, granted interim bail to petitioner in the following manner:-

“ Learned counsel contends that eight (08) co-accused with similar allegations have already been granted bail pending trial by the Co-ordinate Benches on different occasions (P-3 to P-9). Further contends that occurrence is alleged to have taken place on 22.02.2019; petitioner was not named in the FIR; rather he has been implicated on the basis of statement made by one of the co-accused. He is in custody since 12.10.2020. Charges were framed on 10.09.2019, but till date, out of total seventy eight prosecution witnesses, none has been examined.

Learned State counsel wishes to verify the above facts.

Posted on 29.09.2021.

Till the next date of hearing, petitioner be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. ”

4. Learned counsel submits that after grant of interim bail, petitioner has been regularly appearing before the learned Court below, but there is no progress of trial at all. Also contended that charges were framed on 10.09.2019, but no prosecution witness has been examined till date. Further contended that there is no apprehension or allegation that in case, petitioner is granted bail, there would be any threat to the prosecution witnesses or likely to hamper the trial in any manner.

5. Learned State Counsel, on instructions from concerned quarter, does not dispute the above factual position; rather acknowledged that out of 78 prosecution witnesses, none has been examined till date.

6. In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

7. Consequently, the present petition is **allowed**. Interim bail granted to the petitioner, vide order dated 06.08.2021, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

9. The above observations may not be construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

August 16, 2022

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>