

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

**CRM-M No.6302 of 2021 (O&M)
Date of Decision: 02.05.2022**

Dharam Chand

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Neeraj Yadav, Advocate for
Mr. Raj Karan Singh Verka, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana
for the respondent.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.353 dated 23.07.2019, under Sections 342, 364-A, 386, 506, 120-B, 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station HTM, Hisar.

Brief facts of the case are that on 22.07.2019 at about 12:30 PM, when complainant- Rajinder Kumar was alone at his shop-Dahiya Property, three persons came there and asked him that they require a plot and after talking, accompanied complainant in their vehicle to see the plot. After selecting one plot, they again made the complainant to sit in their vehicle. At some distance, two persons sitting on his both sides took out a pistol and pointed at him. He was asked to sit quietly and if any alarm is raised then they will shoot him. Thereafter, they gave beatings to the complainant and threatened him. Eyes of the complainant were also closed with a piece of

cloth and asked him to arrange Rs.7 Lakh, otherwise he would be killed and his son & wife shall be abducted. Accused persons took away total amount of Rs.5,55,500/-.

This Court, on 18.02.2021, passed the following order:-

“ Contends that bail application (CRM-M-40512-2020) filed by co-accused Sanjay is pending for 27.04.2021 and he was granted interim bail on the premise that PW1 Rajender Kumar (complainant) did not support the prosecution case.

Learned State counsel seeks time to verify the above contention.

Posted on 27.04.2021 along with CRM-M-40512-2020.

Let the petitioner be released on interim bail, till the next date of hearing, on his furnishing bail bond and surety bond to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned. ”

Learned Counsel, on instructions from petitioner, submits that he is regularly appearing before learned trial Court and proceedings are going on smoothly.

The above factual position is duly acknowledged by learned State Counsel.

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. Consequently, the present petition is allowed and interim bail granted by this Court, vide order dated 18.02.2021, is confirmed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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

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

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.

May 2nd, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No