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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.59362 of 2022 (O&M)

Date of decision: 23.12.2022

Subhash @ Subhasha

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gourav Deep Goel, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.439 dated 16.07.2015, for offence punishable under Sections 148, 149, 307 of the Indian Penal Code, 1860 (in short 'IPC') (Section 120-B IPC added later) and Sections 25 (54) of the Arms Act registered at Police Station Sonapat City, District Sonapat.

Counsel for the petitioner has submitted that the petitioner vide order dated 26.11.2018 passed in CRM-M No.50319 of 2018, was granted the concession of regular bail as he was not named in the Fir and there was no specific allegations levelled against him. It is further submitted that the petitioner was regularly appearing before the trial Court and in the meantime, the other co-accused were also granted the concession of bail, however, the petitioner, who was arrested in another FIR No.168 dated 02.09.2020, could not appear before the trial Court in

this case and on that account, his bail/surety bonds were cancelled vide order dated 11.02.2021. Thereafter, the petitioner approached the Court of Sessions by challenging the said order dated 11.02.2021, however, the same was also dismissed vide order dated 25.11.2021. Lastly, it is submitted that the petitioner is in custody for the last 03 years, 06 months and 24 days and the conclusion of the trial is like to take some time.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 03 years, 06 months and 24 days; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

23.12.2022
yakub

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