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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 8187-2023 (O&M)
Date of Decision: 19.04.2023

Vicky alias Soni

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Bijender Dhankhar, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No.296 dated 09.06.2022, under Sections 307, 120-B, 34 IPC and Sections 25, 54, 59 of Arms Act (Section 120-B, 34 IPC added later on) registered at Police Station Civil Line, Sonipat, District Sonipat.

Learned counsel for the petitioner contends that the petitioner is in custody since 17.06.2022. He submits that the petitioner has been falsely implicated in the present case as neither any specific role has been attributed to the petitioner nor any injury has been attributed to him and nothing has been recovered from the possession of the petitioner. The petitioner claims parity as the co-accused Narender and Ankush alias Monu

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have already been granted concession of regular bail by this Court vide order dated 24.02.2023 passed in CRM-M-52706-2022 and CRM-M-39153-2022 respectively. He further submits that the challan stands presented and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the petitioner is a habitual offender and the offence alleged against the petitioner is serious in nature and he is involved in other cases as well.

Confronted with the same, learned counsel for the petitioner submits that in all cases either the petitioner is on bail or has been acquitted from the charges levelled against him.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 17.06.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the challan stands presented and the co-accused have already been allowed bail and out of total 26 witnesses, none has been examined till date and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

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subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned on the following conditions:-

1. *he shall appear before the Court on each and every date of hearing;*
2. *he shall not give any threat or intimidation to the prosecution witnesses;*
3. *he shall not indulge in any criminal activity.*

The Court accepting bonds would ensure that two local sureties who are financially sound having immovable properties within jurisdiction of the district furnish the bonds.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail.

The petition is allowed accordingly.

(DEEPAK MANCHANDA)
JUDGE

19.04.2023

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