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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision:24.05.2023

Salil Narayan alias Salil Narain

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

In this second petition, the petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 229 dated 03.03.2017, under Sections 34, 380, 447, 506 and later on added Sections 379-A, 120-B IPC and Sections 25, 54, 59 of Arms Act registered at Police Station Karnal City, District Karnal, Haryana.

The brief facts of the case are that the complainants who were having six acres of land, out of which plots have been carved out in office was also constructed on this land. As per the complaint, the petitioner, who is resident of Jharkhand and is in business of delivering and taking possession of lands, had been pressurizing the father-in-law of the complainant for selling land. On 03.03.2017, the petitioner forcibly took possession of their office and its belongings and also threatened her son and

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the complainant and her brother with pistol and asked them to leave otherwise they would face dire consequences.

Learned counsel for the petitioner contends that the petitioner, who was declared as a proclaimed offender was taken into custody on 30.03.2022 i.e. after a gap of 05 years. He submits that the petitioner has been falsely implicated in the present case. He contends that challan stands presented and the co-accused Suresh Kumar and Amit Gupta have already been allowed bail by the Court below vide order dated 28.03.2017. Learned counsel for the petitioner refers to the judgment rendered by the Apex Court in ***Maulana Mohd. Amir Rashdi vs. State of Uttar Pradesh and Another in Criminal Appeal No. 159 of 2012*** while contending that though he is involved in other cases but he is already in custody since long time in the present case. He further submits that out of total 29 prosecution witnesses, none has been examined till date 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 offence alleged against the petitioner is serious in nature and he is an habitual offender and is involved in other cases as well, however, he does not dispute the fact that challan stands presented and the charges have been framed and the co-accused have already been allowed bail by the trial Court.

Confronted with the same, learned counsel for the petitioner

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submits that out of afore-mentioned cases, the petitioner is on bail in four of them.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 30.03.2022.

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 by the trial Court 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 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;*
4. *he shall not leave India without prior permission of the Court.*

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. The petitioner be asked to surrender his passport.

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.

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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.

(DEEPAK MANCHANDA)
JUDGE

24.05.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No