

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 11248-2023 (O&M)
Date of Decision: 19.05.2023

Ajit alis Jita and another

... Petitioners

V/s.

State of Haryana

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Rakesh Kumar Lathwal, Advocate
for the petitioners.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

In the instant petition, the petitioners have prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 763 dated 12.11.2020, under Sections 272, 304, 328, 420 IPC and Section 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) (charges framed under Section 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) and Sections 272, 304, 328, 420, 467, 468, 471, 120-B IPC registered at Police Station City Sonipat, District Sonipat, Haryana.

Learned counsel for the petitioners contend that the petitioners are in custody since 14.01.2021. He submits that the petitioners have been falsely implicated in the present case on the basis of disclosure statement of

co-accused and has no concern with the alleged offence. Learned counsel for the petitioners claims parity with the co-accused have been granted regular bail by this Court vide order dated 02.03.2023 passed in CRM-M-44530-2022, CRM-M-48539-2022, CRM-M-46349-2022, CRM-M-52346-2022 and CRM-M-56281-2022 and order dated 04.05.2023 passed in CRM-M-50193-2022. He submits that no recovery has been effected from the petitioners and the challan stands presented and charges have been framed and out of total total 50 witnesses, 02 witnesses have been examined till date and the conclusion of trial will take sufficient time, therefore, it is prayed that the petitioners be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioners, while submitting that the offences alleged against the petitioners are serious in nature and they are habitual offenders as they are involved in other case as well. However, he does not dispute the fact that the challan stands presented and the co-accused have already been allowed regular bail.

Learned counsel for the petitioners has rebutted the said argument while contending that out of those cases, the petitioners are on bail in some of them and have also submitted that though other FIRs are pending against the petitioners yet as per settled law laid down by the Apex Court in *Maulana Mohd. Amir Rashadi vs. State of U.P. and Others reported 2012 (2) SCC 382* and *Prabhakar Tewari vs. State of U.P. And another 2020 (11), SCC 648*, it is the facts of the present case which are required to be considered for the purpose of deciding the present bail

application(s).

I have heard learned counsel for the parties.

Petitioners are in incarceration since 14.01.2021.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioners, they would hamper the course of free and fair trial. Further since the co-accused has been allowed bail and challan stands presented and trial would take sufficient time, no useful purpose would be served in keeping the petitioners behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case and in view of law laid down in ***Maulana's case*** (supra) and on the basis of parity of petitioners with the co-accused, it is ordered that the petitioners be released on regular bail subject to furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned on the following conditions:-

1. *they will appear before the Court on each and every date of hearing;*
2. *they will not give any threat or intimidation to the prosecution witnesses;*
3. *they will 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. The petitioners be asked to surrender their passport.

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

In case the petitioners violate any terms and conditions on which the bail has been granted to them , the prosecution would be entitled to apply for cancellation of their bail.

The petition is allowed accordingly.

(DEEPAK MANCHANDA)
JUDGE

19.05.2023
seema

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