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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 11995-2023 (O&M)

Date of Decision: 10.05.2023

Vicky alias Banga

... *Petitioner*

V/s.

State of Haryana

... *Respondent*

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Neeraj Kumar, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 99 dated 11.02.2022, under Section 379-B, 392 and 201 later on added of IPC registered at Police Station City Rohtak.

Learned counsel for the petitioner contends that the petitioner is in custody since 12.02.2022 i.e. more than one year. The allegations against the petitioner are that he, an auto-rickshaw driver, along with one other man robbed the complainant and snatched away his belongings including one bag, mobile charger and money of Rs. 3200/-etc. He submits that the petitioner has been falsely implicated in the present case as the present FIR was registered out of some rivalry after a gap of two days. He further submits that challan stands presented and the charges have been framed and

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out of total 12 prosecution witnesses none has been examined till date. 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 there are other cases pending against the petitioner but the facts of the present case may be taken into consideration and the conclusion of trial will take sufficient time, therefore, prayer is made for the petitioner to 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 other cases are also pending against him, however, he does not dispute the fact that challan stands presented and charges have been framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 12.02.2022.

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 charges have been framed 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

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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

10.05.2023
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>