

2023:PHHC:061468

CRM-M-10841-2020 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(214)

CRM-M-10841-2020 (O&M)

Date of Decision:-29.04.2023

Mahabir @ Bachhi @ Pyare

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

ALOK JAIN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.77 dated 10.02.2020, under Sections 323, 354, 354-A (2), 506, 509 and 34 of Indian Penal Code (Sections 147, 149 IPC deleted and Sections 34 and 509 IPC added later on), registered at Police Station Tosham, District Bhiwani.

2. Learned counsel for the petitioner submits that in fact the co-accused has been granted bail by the trial Court, and in fact, the petitioner was also released on interim bail vide order dated 27.05.2021, in pursuance to the instruction issued by the High Powered Committee constituted during the Covid times.

3. Learned counsel for the petitioner has submitted that the petitioner has surrendered back on 10.04.2023. He further submits that the petitioner is appearing regularly in the trial, even when, he was on bail, however, the prosecutrix/complainant is not appearing and rather bailable warrants have been issued to her for 06.05.2023.

4. After considering the entirety of the matter and the fact that the trial is likely to take some time, no useful purpose would be served by

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keeping the petitioner in custody, therefore the petitioner has made out a case for grant of concession of regular bail.

5. In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:

- 1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- 2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- 3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- 4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

6. However, nothing stated above shall be construed as a final expression or opinion on the merits of the case.

7. Pending Miscellaneous application(s) if any stands disposed of.

(ALOK JAIN)
JUDGE

April 29, 2023
Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No