

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 15076-2023 (O&M)
Date of Decision: 24.05.2023

Himanshu alias Hitesh alias Bonga

... Petitioner

V/s.

State of Haryana

... Respondent

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

Present : Mr. Akaash Dalal, Advocate
for the petitioner.

Mr. Karan Grover, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 172 dated 22.04.2022 under Sections 186, 353, 307 IPC and Sections 25,54 and 59 of Arms Act registered at Police Station City Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner contends that the petitioner is in custody since 25.04.2022. As per the allegations in the FIR, the petitioner was apprehended on the spot along with one country-made pistol with live cartridges. He submits that the petitioner has been falsely implicated in the present case as no injury has been attributed to him and

even as per the reply the petitioner though tried to fire with the pistol but no injury was caused to anyone, therefore, no case under Section 307 IPC is made out against the petitioner. He further submits that the challan stands presented on 17.06.2022 and out of total 24 prosecution witnesses, none has been examined till date 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. In compliance of order dated 10.05.2023, a status report by way of affidavit of Dharamvir Singh, HPS, Deputy Superintendent of Police, Bahadurgarh, District Jhajjar dated 20.05.2023 has been filed and is taken on record, whereby the State was directed to verify whether the petitioner fired upon the accused Naveen alias Bali. It is mentioned in the reply dated 28.04.2023 that the present petitioner tried to fire upon the arrested accused Naveen alias Bali with an intention to kill him but was arrested on the spot along with weapon. 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 involved in 01 more case, however, he does not dispute the fact that challan stands presented and no injury has been attributed to the petitioner.

Confronted with the same, learned counsel for the petitioner submits that the petitioner has been granted bail in the another case registered against him.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 25.04.2022.

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 no injury has been attributed to the petitioner and out of total 24 prosecution 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 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;*
- 5. he shall got his presence marked in the local police station on every Saturday of the week between 11.00 a.m. to 2.00 p.m so that an eye can be kept on his movements and he is deterred from indulging 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.

24.05.2023
seema

(DEEPAK MANCHANDA)
JUDGE

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