

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17289-2023
DECIDED ON: 19th APRIL, 2023

SATISH @ CHIMTA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Shaveta Sanghi, Advocate and
Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 29, dated 13.01.2021, under Sections 392, 398, 401, 511 IPC and Section 25 of Arms Act, 1959, registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner has contended that this is a 2nd petition for grant of regular bail, as the earlier petition filed by the petitioner was dismissed on merits vide order 28.10.2022 (Annexure P-4). Learned counsel for the petitioner has drawn attention of this Court to the fact that the earlier petition seeking regular bail to the petitioner was declined on merits primarily for the reasons that the petitioner is involved

in another case i.e. FIR No. 22, dated 11.01.2021, under Section 307 IPC registered at Police Station City Tohana, Fatehabad.

It is also submitted by learned counsel for the petitioner that the present FIR was registered on the basis of disclosure statement of the co-accused and the role attributed to the petitioner is that he was holding a torch to help the other co-accused persons in commissioning of offence. It is further submitted that the petitioner has been enlarged on regular bail in another case pending against him (FIR No. 22, dated 11.01.2021), by the Court of Sessions vide order dated 10.03.2023 (Anneuxre P-7).

In the light of the afore-said changed circumstance, it has been submitted by learned counsel for the petitioner while concluding her assertions that the petitioner be released on bail in the present case as well who is behind the bars since 16.01.2021.

Learned State counsel has very fairly and candidly conceded the assertions made by the counsel for the petitioner and also corroborated the factum of period of incarceration suffered by the petitioner since the date of his arrest i.e. 16.01.2021.

Considering the afore-said facts and circumstances and the role attributed to the petitioner with regard to holding of torch to facilitate the other co-accused persons in commissioning of offence, who has been arrayed in the list of accused on the basis of disclosure statement added with the fact that challan stands presented wherein conclusion of trial shall take sufficient long time and nothing is to be recovered from the possession of the petitioner, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind bars.

The petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands allowed in the afore-said terms.

19th APRIL, 2023
sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No