

207

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

**CRM-M-20552-2020 (O&M)
Date of decision : 01.02.2023**

Hardeep Singh @ Monu

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner(s).

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Fourth petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.95 dated 03.11.2017, under Sections 302 & 34 of the Indian Penal Code, 1860; and Section 25 of the Arms Act, registered at Police Station MDC, Panchkula.

Prosecution was launched on the statement of one Bablu Pal to the effect that his elder brother, Arun was working in the IT Park, U.T. Chandigarh with a private company as Sweeper. On 02.11.2017 at around 11/11:30 PM, Arun came back home and again left after 05 minutes. On 03.11.2017 at around 9.00 AM, complainant received information that dead-body of Arun was lying near a Mango tree on Saketri-Kishangarh road in Sector 2, MDC, Panchkula. Upon receiving the information, complainant along with some others reached the spot and saw the dead-body of Arun drenched in blood. There were

several marks of injuries on his person. It was stated that Arun had been killed with knife by some unknown persons.

Paper-book reveals that petitioner was granted interim bail by this Court vide order dated 21.01.2021 and for reference, same is extracted as under:-

“Learned State counsel seeks time to show the relevant material for the complicity of the petitioner from the testimony of prosecution witnesses.

Posted on 09.03.2021.

As the petitioner is in custody since 03.11.2017, he be released on interim bail, till the next date of hearing, on his furnishing bail bond and surety bond to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned.”

Learned State counsel, on instructions, has fairly apprised the Court that petitioner is regularly appearing before learned trial Court and there is no allegation that he is likely to misuse the concession of interim bail in case, interim bail is made absolute. Further stated that no other criminal case is pending against the petitioner.

In view of the above, there is no justification for sending the petitioner in custody at this stage, especially when only 02 prosecution witnesses remain to be examined.

Consequently, the present petition is allowed and interim bail granted vide order dated 21.01.2021, is made absolute. Petitioner be admitted to bail on his furnishing bail/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

01.02.2023

atulsethi

(MAHABIR SINGH SINDHU)

JUDGE

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