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

**CRM-M-21563-2022
Date of Decision: 13.01.2023**

Sandeep @ Daga

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.94 dated 08.02.2019 (Annexure P-1), under Sections 120-B, 395 & 397 IPC and Section 25 of the Arms Act, registered at Police Station Sadar Palwal, District Palwal.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR (Annexure P-1) and he has been falsely implicated in the present case on the basis of disclosure statements of co-accused, namely Hariom @ Monty and Rishi Raj @ Sainki. It is further submitted that no recovery has been effected from the petitioner. Learned counsel further contends that no test identification parade was got conducted after the arrest of petitioner. It is further contended that there is no incriminating material on record to show involvement of the petitioner in the present case. It is submitted that co-accused of the petitioner have

already been granted the concession of regular bail by a co-ordinate Bench of this Court, vide a common order dated 09.09.2021 (Annexure P-2), passed in CRM-M-28923-2020 and CRM-M-24044-2021. It is further submitted that the petitioner is in custody since 05.07.2019. Learned counsel submits that the investigation of the case is complete and challan has been presented. Learned counsel further submits that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offences. However, learned State counsel does not dispute the fact that the petitioner has been in custody since 05.07.2019 and challan has been presented in the present case. It is also conceded by learned State counsel that concession of regular bail has already been granted to the co-accused namely Hariom @ Monty and Rishi Raj @ Sainki, by a co-ordinate Bench of this Court, vide a common order dated 09.09.2021, passed in CRM-M-28923-2020 and CRM-M-24044-2021.

I have heard learned counsel for the parties and perused the paper book.

The investigation in the matter is complete and the challan stands presented. The petitioner is in custody since 05.07.2019. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars. Moreover, co-accused, namely Hariom @ Monty and Rishi Raj @ Sainki, are already on regular bail.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular

bail subject to his furnishing heavy bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity. The petitioner shall also appear before the concerned Police Station/Station House Officer on first Monday of every month till the conclusion of trial.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

13.01.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No