

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

**CRM-M No. 22344 of 2022 (O&M)
Date of Decision: 08.02.2023**

Ravinder @ Bhola

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ajay Kumar Dahiya, Advocate
for the petitioner.

Mr. Kiran Pal Singh, Assistant Advocate General, Haryana

MAHABIR SINGH SINDHU, J.

1. Present petition has been filed under Section 439 of Criminal Procedure Code for seeking regular bail, pending trial in FIR No. 516, dated 12.12.2017, under Sections 34, 302, 120-B of the Indian Penal Code, 1860 and Sections 25 & 29 of Arms Act (Sections 148, 149, 201, 216 of the IPC and 59 of Arms Act added later on), registered at Police Station Urban Estate, District Rohtak.

2. Above FIR was registered on the basis of statement made by one Gurmail Singh @ Pinku with the allegations that on 11.12.2017, when complainant was coming from office and reached at Sonapat road, he saw his brother-in-law (Satyawan Malik) purchasing medicines from R.K. Medicos, Sheela Bye-Pass, Rohtak. His car bearing Regn. No. HR-12B 4000 was parked on the road, while Lalit and Manjeet were sitting inside car. A Scorpio vehicle came from behind and four boys armed with weapons alighted from the vehicle.

One of them fired upon complainant's brother-in-law. Satyawar fell down and assailants ran away from the spot with their weapons. The allegation against petitioner-accused is that he conspired with other co-accused to murder Satyawar (deceased).

3. This Court, on 04.08.2022, granted interim bail to petitioner in the following manner:-

“ Reply by way of affidavit of Ms. Susheela, HPS, Deputy Superintendent of Police, Rohtak, on behalf of the respondent-State, filed in the Court, is taken on record. Copy thereof supplied to the opposite side.

Registry will do the needful.

Concededly, charges were framed on 27.07.2018 and out of 62 prosecution witnesses, none has been examined till date. Also not in dispute that on earlier occasion, petitioner was granted bail by learned trial Court on 03.09.2019, but the same was cancelled on 01.07.2020 on account of wrong mentioning of ‘first’ bail application instead of ‘third’.

This is an admitted position that petitioner is in custody since July, 2020, however, one more case is stated to be pending against him.

Learned State counsel seeks some time to have instructions in the matter.

Posted on 27.10.2022.

In view of the above, till the next date of hearing, let petitioner be released on interim bail in this case subject to his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. ”

4. Learned counsel for the petitioner submits that after grant of interim bail, petitioner has been regularly appearing before the Court below, but there is no progress of trial at all. Also contends that no other criminal case is pending against the petitioner except present one

and there is no apprehension or allegation that in case, he is granted bail, there would be any threat to the prosecution witnesses or same is likely to hamper the trial in any manner.

5. Learned State Counsel, on instructions from concerned quarter, does not dispute the above factual position; however, he submits that one of the co-accused, who was granted bail, has absconded and declared proclaimed offender. Thus, he raises apprehension that after granting bail, petitioner may also abscond.

6. Heard learned counsel for the parties.

7. There is no dispute that petitioner was granted interim bail and he is regularly appearing before the learned trial Court. It is also not in dispute that except present case, there is no other criminal case pending against him. Thus, the apprehension of learned State Counsel is not acceptable. Concededly, there is no progress before the Court below, thus trial is likely to take considerable time.

8. In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

9. Consequently, present petition is **allowed**. Interim bail granted to the petitioner, vide order dated 04.08.2022, is made absolute. He shall be admitted to regular bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall fully co-operate before the learned trial Court without seeking any unnecessary adjournments.
11. Above observations may not be construed as an expression of opinion on the merits of the case.
12. Also clarified that in case there is any misuse of concession by the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

February 08, 2023
'dk kamra'

(MAHABIR SINGH SINDHU)
JUDGE

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