

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

CRM-M No.25687 of 2022 (O&M)

Date of Decision: 11.05.2023

Krishan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Rajesh Nain, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.1027 dated 26.12.2017, under Sections 302, 34, 397 of the Indian Penal Code, 1860 & Section 25 of the Arms Act, 1959, registered at Police Station City Jind, District Jind.

2. Complainant-Surender Kumar made a statement that on 26.12.2017, his cousin-Chanderpal (since deceased), who was working as *Munshi* in a Poultry Farm, dropped him there at about 09:00 AM; whereas Chanderpal went to Sheetal Puri Colony to collect money from one Kuldeep on his Bullet Motorcycle. After receiving an amount of Rs.22 Lakh from Kuldeep, when he reached in front of his Office, two unknown young boys with muffled faces and armed with pistols, came in a white colour Swift Dezire Car bearing registration No.HR-31-7500. Both assailants fired at Chanderpal; took away

the aforesaid amount and ran away towards Narwana side in the aforesaid vehicle, which was being driven by the third assailant.

3. This Court, on 23.11.2022, granted interim bail to the petitioner in following manner:-

“Learned counsel for petitioner contends that he is in custody for the last more than 4 years and 10 months.

Learned State Counsel seeks time to verify as to whether there is any other criminal case pending against the petitioner?

Posted on 19.04.2023.

Till the next date of hearing, petitioner be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court / Chief Judicial Magistrate / Duty Magistrate concerned.”

4. Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below. Also contends that as on today, there is no other criminal case pending against the petitioner.

5. Learned State Counsel on instructions from the quarter concerned has acknowledged the above factual position.

6. Heard both sides and perused the paper-book.

7. Keeping in view the facts that petitioner is fully cooperating before the Court below and there is no allegation that in case he is granted bail pending trial, he will misuse the concession in any manner; thus, in such a scenario, sending him in custody at this stage would not serve any purpose.

8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 23.11.2022, is made absolute. He shall be

admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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

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

11. 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.

12. Disposed off accordingly.

May 11th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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