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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 25608-2023 (O&M)
Date of Decision: 25.05.2023

Devender Singh

... Petitioner

V/s.

State of Haryana

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 329 dated 18.04.2022, under Sections 323, 395, 397, 412, and 120-B IPC and Sections 25, 25 (1-B) A of Arms Act registered at Police Station Azad Nagar Hisar, District Hisar.

Learned counsel for the petitioner contends that the petitioner is in custody since 26.04.2022. He submits that the petitioner has been falsely implicated in the present case as neither he has been named in the FIR nor was present at the place of occurrence. It is argued that he is nominated as an accused only on the basis of disclosure statement of Soni and Naveen and the only role attributed to him is that an online booking of

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the car on rent was made on his name, hence he has aided in the alleged robbery. It is also argued that the co-accused has been granted regular bail by this Court vide order dated 11.05.2023 passed in CRM-M-10905-2023. It is further contended that nothing has been recovered from the petitioner and challan stands presented and the charges have been framed and out of total 35 prosecution witnesses none has been examined till date the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however, he does not dispute the fact that challan stands presented and the charges have been framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 26.04.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the challan stands presented and the charges have been framed and the co-accused has been allowed regular bail and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned on the following conditions:-

- 1. *he shall appear before the Court on each and every date of hearing;*
- 2. *he shall not give any threat or intimidation to the prosecution witnesses;*
- 3. *he shall not indulge in any criminal activity.*

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

25.05.2023
seema

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