

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M 29633 of 2022
Date of Decision: 01.06.2023

Himanshu

.....*Petitioner*

Versus

State of Haryana

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Mandeep Singh Dhaliwal, Advocate for the petitioner.

Mr. R.S. Nain, DAG, Haryana.

GURBIR SINGH, J (ORAL)

The prayer in this petition is for grant of regular bail in case FIR No.289 dated 04.11.2021, under Sections 148, 149, 120-B, 302 IPC & Section 25, 54, 59 of Arms Act and later on Section 3 of SC/ST Act and Section 201 IPC were added at the time of filing final investigation report i.e. challan, registered at Police Station Kosli, District Rewari, Haryana.

At the outset, learned counsel for the petitioner submits that petitioner is seriously ill and he requires immediate treatment. His life is at threat, so petitioner be granted interim bail and he does not press the request for regular bail. He further submits that petitioner is in custody since 20.11.2021. There is no allegation that petitioner had participated in the crime. He has been falsely implicated on the basis of disclosure statement.

As per allegation, co-accused gave mobile phone to the petitioner to track Yashdev etc and told that those accused are going to kill Yashdev @ Ishu by firing shot and thereafter throw the said mobile after using it. Thereafter, petitioner had thrown the said mobile and failed to recover the same.

In pursuance of previous order dated 12.05.2023, learned State counsel has placed on record additional reply by way of affidavit of Sanjeev Kumar, HPS, Deputy Superintendent of Police, Rewari, District Rewari, as well as certified copy of medical record.

As per medical record, the petitioner is having lung problem since November 2022 and is getting treatment from VMMC & Safdarjung Hospital, New Delhi.

Keeping in view that the petitioner is in custody since 20.11.2022 and he is not able to recover fully, so in the interest of justice petitioner is ordered to be released on interim bail for a period of two months for treatment subject to his furnishing bail bonds with two sureties in the like amount to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned with the further conditions:-

- 1. The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS.*
- 2. The petitioner shall also get the same number registered with the concerned Police Station.*
- 3. The sureties shall also disclose their mobile numbers at the time of furnishing bonds.*
- 4. The petitioner and the sureties shall not close/switch off their mobile numbers.*
- 5. The petitioner is bound to surrender in the Court on completion of interim bail.*

The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the aforesaid conditions, then the concerned Court is competent to cancel the bail granted to the petitioner.

Since petitioner has already been granted the concession of

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interim bail, and therefore learned counsel for the petitioner does not press the main petition at this stage.

Accordingly, request for grant of regular bail is declined. The petitioner is granted interim bail, so main petition is disposed of.

01.06.2023
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**(GURBIR SINGH)
JUDGE**

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