

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

208

CRM-M-30281-2023 (O&M)

Date of decision: 15.06.2023

Sanjeev Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Keshav Pratap Singh, Advocate for the petitioner

Mr. Dhruv Sihag, AAG Haryana

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.56 dated 17.03.2023, registered under Sections 399, 400, 401, 402, 506, 216, 120-B IPC and Sections 25, 25(6), 25(7) Arms Act, 1959 [Sections 216, 120-B IPC and Sections 25(6), 25(7) of the Arms Act added later on] at Police Station Farkpur Yamuna Nagar, District Yamuna Nagar.

2. Learned counsel contends that the petitioner is in custody for the last about 2 months. His name surfaced based on disclosure statement of Jasbir Singh alias Monu Kabootar, as per which, the only role attributed to the petitioner is of having facilitated a meeting between him and the co-accused Sachin Pandit, who were preparing to commit dacoity. No recovery was effected from the petitioner. He has been serving as a helper in the Indian Railways since 2016 and has no criminal antecedents. He was on duty at the time of alleged incident. Challan has been presented on 17.05.2023 and charges are yet to be framed. In all there are 34 witnesses.

3. The custody certificate dated 14.06.2023 filed by learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 1 month and 21 days.

4. Learned State counsel opposes the bail on the ground that there are serious allegations against the petitioner of having involvement in the dacoity. He is, however, unable to controvert the submissions regarding the stage of the case, involvement of the petitioner on a disclosure statement and he being not involved in any other case.

5. Heard.

6. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 month and 21 days; his name surfaced on disclosure statement of a co-accused; not involved in any other case; challan stands presented on 17.05.2023, however, charges are yet to be framed; in all there are 34 witnesses; the trial is likely to take considerable time and his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.

- 5.The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- 6.The petitioner shall not in any manner misuse his liberty.
- 7.The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- 8.The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

- 8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.
- 9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

15.06.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No