

CRM-M-36109-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

210-1

CRM-M-36109-2023  
Date of Decision:-16.12.2023

Rahul Kumar  
.....Petitioner

Versus

State of Haryana  
.....Respondent

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

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Present: Mr. Parveen Kumar Advocate for  
Mr. Rahul Jaswal, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. S.S. Nain, Advocate for  
Mr. Pradeep Chhoker, Advocate for the complainant.

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**ALOK JAIN, J. (Oral)**

1. The present petition has been filed for grant of regular bail to the petitioner in case FIR No. 105 dated 29.05.2020 under Sections 148, 149, 307, 323 of the Indian Penal Code, 1860 (Sections 325 and 201 IPC added later on) and Section 25 of the Arms Act, registered at Police Station Sanoli, District Panipat.
2. Learned counsel for the petitioner submits that there is no specific role attributed to the petitioner in the said FIR and all the allegations leveled against the petitioner are false.
3. Custody certificate of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.
4. Learned State counsel relies upon the reply dated 04.08.2023

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and his role was pivotal in the commission of crime but he could not deny the fact that the petitioner is in custody for more than 06 months.

5. Learned counsel for the petitioner has also claimed parity as other co-accused have been granted the concession of regular bail.

6. Learned counsel appearing on behalf of the complainant has also vehemently opposed the concession of bail to the petitioner on the ground that the petitioner was the one who was helping the unlawful assembly for the commission of crime.

7. However, learned State counsel as well as learned counsel appearing on behalf of the complainant could not deny the fact that four other co-accused have already been granted the concession of regular bail. Though, learned counsel appearing on behalf of the complainant has submitted that the regular bail *qua* two other accused is fixed for 25.01.2024.

8. Heard learned counsel for the parties.

9. In the instant case, there is no specific injury attributed to the petitioner, who is lodged in jail for last more than 06 months and coupled with the fact that the co-accused have already been granted the concession of regular bail and the fact that the trial is likely to take some time, no useful purpose would be served by keeping the petitioner in custody and hence, the petitioner is granted the concession of regular bail, at this stage, however, subject to some “**heavy surety**”.

10. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing heavy bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the

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2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

11. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

**16.12.2023**

*parul*

**(ALOK JAIN)**  
**JUDGE**

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