

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

275

CRM-M-44183-2022 (O&M).

Date of Decision: 10.04.2023.

Rohit alias Molu**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ***********

Present: Mr. Pankaj Mehta, Advocate, for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

***********VINOD S. BHARDWAJ. J (ORAL)**

The instant **Second** petition has been filed under Section 439 of the Code of Criminal Procedure, for the grant of regular bail in FIR bearing No.479 dated 11.08.2020, registered under Sections 395, 387, 325, 506 and 120-B of the Indian Penal Code, 1860 at Police Station City Hansi, District Hisar.

Learned counsel for the petitioner contends that the petitioner had been granted the concession of regular bail in the aforesaid case vide order dated 06.04.2022 passed in CRM-M-47695-2021. He contends that while the petitioner was on bail, he was involved in another FIR bearing No.285 dated 19.04.2022 registered under

Sections 365, 323, 342, 506/34 and 120-B IPC. It is contended that on account of the petitioner having been taken in custody in the aforesaid case he could not appear in the proceedings in FIR No.479 dated 11.08.2020. An application for exemption had been submitted by the petitioner, however, vide order dated 28.04.2022 (Annexure P-3), the exemption application was not accepted and the bail was cancelled and the bail bonds were forfeited to the state. Consequently the petitioner was taken in custody in the instant case again. He contends that the petitioner was thereafter granted the concession of regular bail in the FIR No.285 of 19.04.2022, however, on account of the fact that the petitioner is in custody in the instant case bearing FIR No.479 dated 11.08.2020, hence, he remains confined in custody. He further submits that similarly placed co-accused namely Vikas @ Bhasuri has already been granted the concession of regular bail in his second petition vide order dated 14.07.2022 passed in CRM-M-29093 of 2022. He further submits that the petitioner has undergone more period of custody as compared to his similarly placed co-accused.

Learned State counsel, however, contends that the petitioner abused the concession of bail and indulged in another offence while on bail, hence, the petitioner does not deserve the concession of regular bail. Learned State counsel could not dispute the fact that the similarly placed co-accused namely Vikas @ Bhasuri has already been granted concession of regular bail vide order dated 14.07.2022.

I have heard the learned counsel appearing on behalf of the respective parties.

Taking into consideration the fact that the petitioner was earlier granted the concession of regular bail and that similarly placed co-accused Vikas @ Bhasuri whose bail had also been cancelled and bail bonds forfeited vide order dated 28.04.2022, has already been granted concession of regular bail vide order dated 14.07.2022, I deem it fit to allow the instant application.

Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

April 10, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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