

CRM-M- 44530-2022 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 44530-2022 (O&M)

Date of Decision: 02.03.2023

Sumit Rathee

... Petitioner

V/s.

State of Haryana

... Respondent

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

Present : Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana
for the respondent-State.

DEEPAK MANCHANDA, J.(Oral)

In the instant petition, the petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 763 dated 12.11.2020, under Sections 272, 304, 328, 420 IPC and Section 72-A/4-20 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) and subsequently added Sections 467, 468, 471, and 120-B IPC registered at Police Station City Sonipat, District Sonipat, Haryana.

Learned counsel for the petitioner contend that the petitioner is in custody since 24.05.2022. He submits that the petitioner has been falsely implicated in the present case as neither he has been named in the FIR nor was even apprehended on the spot. He further submits that the petitioner was implicated in the present FIR only on the basis of disclosure

CRM-M- 44530-2022 (O&M)

-2-

statement of one Anil alias Lila and claims parity as the similarly situated co-accused Anil Malik has already been allowed regular bail in similar matter by the Co-ordinate Bench of this Court vide order dated 11.07.2022 passed in CRM-M-28310-2022. He submits that the challan stands presented and charges have been framed and the conclusion of trial will take sufficient time, therefore, it is prayed that the petitioner be enlarged on bail.

Reply by way of affidavit of ACP, City Sonipat along with the 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 ASI Parvind, opposes the grant of regular bail to the petitioner, while submitting that the petitioner is a habitual offender and the offences alleged against the petitioner are serious in nature and he is involved in other cases, however, does not dispute the fact that the investigation is complete and the charges have been framed.

Confronted with the same, learned counsel for the petitioner refers to the judgment rendered by the Apex Court in ***Maulana Mohd. Amir Rashdi vs. State of Uttar Pradesh and Another in Criminal Appeal No. 159 of 2012.***

I have heard learned counsel for the parties.

Petitioner is in incarceration since 24.05.2022.

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 petitioner was implicated on the disclosure statement and claims parity on the basis that similarly situated co-accused have been allowed bail and the investigation is complete and

CRM-M- 44530-2022 (O&M) -3-

charges have been framed 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 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.*

The Court accepting bonds would ensure that two local sureties who are financially sound having immovable properties within jurisdiction of the district furnish the bonds.

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 accordingly.

(DEEPAK MANCHANDA)
JUDGE

02.03.2023
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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No