

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM M-51688 of 2023
Date of Decision: 29.11.2023

Mukesh Yadav

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Bhupender Singh, Advocate for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.25 dated 22.01.2023 registered under Sections 395, 397 and 342 of IPC and Sections 25-54-59 of Arms Act (Sections 427, 379-B, 120-B, 412 and 201 of IPC added later on) at Police Station Madhuban, District Karnal.

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been arrayed an accused on the basis of the disclosure statements suffered by his co-accused. Learned counsel for the petitioner has relied upon the orders (Annexures P-2 and P-3) passed by this Court in CRM M-31492-2023

titled as “**Ibley Hassan Vs. State of Haryana**” and CRM M-42724 of 2023 titled as “**Mustafa Vs. State of Haryana**”, whereby, the similarly placed co-accused have already been granted the concession of bail by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner is involved in a serious crime and does not deserve the concession of bail.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioner is in custody for the last more than 05 months. Even, the case is listed for framing of charge on 18.12.2023 and the conclusion of the trial may take quite a long time. Apart from that, the similarly placed co-accused Ibley Hassan and Mustafa have already been ordered to be released on bail by this Court.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade

him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday in English calander month before the concerned SHO till

the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

29.11.2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No