

243

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-52568-2023  
Date of decision: 07.11.2023

KAUSHAL KUMAR

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Karanveer Singh, Advocate and  
Ms. Manita, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.150 dated 08.06.2020, under Sections 148, 149, 302, 201, 216, 420, 109, 114, 120-B of the IPC and Sections 25, 54, 59 of the Arms Act, registered at Police Station Kasola, District Rewari, Haryana.

2. Learned counsel for the petitioner submitted that the present is a third successive bail petition filed by the petitioner. First petition was dismissed as withdrawn on 10.01.2022 and the second petition was dismissed on merits on 21.03.2022 and now the custody of the petitioner is about 2 years and 3 months and therefore, there is a change of circumstance and the third successive bail petition would be maintainable.

3. Learned counsel for the petitioner further submitted that it is a case where the petitioner was charged only for an offence under Section 216 of the

IPC but when the challan was to be presented, he was not informed by his counsel and due to mis-communication, he could not make himself present and thereafter, he was also not present in the Court on subsequent dates and in this way, he was thereafter arrested on 21.09.2021 on the execution of warrants of arrest. He also submitted that now the custody of the petitioner is about 2 years and 3 months and qua him the charges are only under Section 216 of the IPC and the similarly situated co-accused, namely, Pardeep and Vikram Singh, who were also charged under Section 216 of the IPC have already been extended the benefit of regular bail by this Court vide Annexures P-17 and P-18, respectively. He further submitted that the petitioner has clean antecedents and is not involved in any other case and the allegations against him were only of providing shelter to the main accused who was charged under Section 302 of the IPC and therefore considering the aforesaid custody, he may be considered for grant of regular bail.

4. On the other hand, Mr. Naveen Kumar Sheoran, DAG, Haryana submitted that it is correct that the petitioner is in custody for about 2 years and 3 months and he is not involved in any other case and also that he is charged only under Section 216 of the IPC. He further submitted that the aforesaid co-accused, namely, Pardeep and Vikram Singh, who were also charged under Section 216 of the IPC have already been extended the benefit of regular bail by this Court as aforesaid.

5. I have heard the learned counsel for the parties.

6. Although, the present is a third successive bail petition filed by the petitioner and the first bail petition was dismissed as withdrawn and second bail petition was dismissed on merits by this Court on 21.03.2022 but now the

custody of the petitioner comes out to be about 2 years and 3 months and qua him the allegations are only under Section 216 of the IPC. The fact that earlier the petitioner did not appear before the learned trial Court for about 4-5 dates on the basis of which his earlier bail petition was dismissed cannot become a ground for denial of bail to the petitioner considering his custody which is stated to be about 2 years and 3 months. Even otherwise also it is so stated by learned counsel for the parties that similarly situated co-accused, namely, Pardeep and Vikram Singh have already been extended the benefit of regular bail by this Court as aforesaid vide Annexures P-17 and P-18, respectively.

7. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

**07.11.2023**  
Chetan Thakur

**(JASGURPREET SINGH PURI)**  
**JUDGE**

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