

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

CRM-M-55648-2023

Date of Decision:-16.12.2023

Neeraj.

.....Petitioner.

Vs.

State of Haryana & Anr.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ajay Vijarania, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.125 dated 31.05.2023 under Sections 436, 427, 379-B, 307, 342, 452, 34 IPC registered at Police Station Jhoju Kalan Charkhi Dadri.

2. The present FIR came to be registered at the instance of Virender who stated that he was running a liquor vend and had employed Neeraj Mishra as a salesman who used to sleep in the vend. On 31.05.2023 while Neeraj was sleeping in the vend two persons came and asked him to give liquor. When he refused both the accused persons entered the liquor vend and robbed Rs.16,700/- along with boxes of liquor. One person was identified at Aatam Parkash @ Lala who was carrying a petrol bottle in his hand. When Neeraj raised a protest both the accused persons locked him in the liquor vend and set the vend on fire because of which one mobile phone

of Neeraj and 15-20 boxes of liquor were destroyed.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact he had not been named in the FIR but came to be named in the disclosure statement of his co-accused Aatam Parkash @ Lala who had been granted the concession of bail by this Court. The petitioner was in custody since 18.09.2023 and none of the 16 prosecution witnesses had been examined so far. The trial of the present case was not likely to be concluded anytime soon and, therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that serious allegations had been levelled against the petitioner and his co-accused. Therefore, he was not entitled to the concession of bail. He however concedes that the petitioner was in custody since 18.09.2023, none of the 16 prosecution witnesses have been examined so far and his co-accused namely Aatam Parkash @ Lala had been granted the concession of bail vide order dated 28.11.2023 passed in CRM-M-49107-2023.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 18.09.2023 and none of the 16 prosecution witnesses have been examined so far. His co-accused namely Aatam Parkash @ Lala has been granted the concession of bail vide order dated 28.11.2023. The Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Neeraj** son of Sh. Jaibir is ordered to

be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 16, 2023

Vinay

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