

2023:PHHC:144082

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM M-55408 of 2023
Date of Decision:14.11.2023

Kuldeep

...Petitioner

Vs.

State of Haryana

...Respondent

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

Present : Mr. Mohit Aneja, 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.22 dated 09.01.2018 registered under Sections 120-B, 148, 149, 302, 323, 341, 452 and 506 of IPC (charged under Sections 148, 149, 201, 302, 307, 323, 325, 342, 452 and 506 IPC) at Police Station Samalkha, Panipat.

2. Learned counsel for the petitioner contends that even though the petitioner has been named in the FIR, but there is no specific attribution to him. Learned counsel further contends that co-accused of the petitioner, namely, Suraj Bhan, Anoop, Surender @ Cheeni, Pardeep @ Bittu, Jitender @ Sukha, Geeta, Prem Singh, Tara Chand and Satpal were arrested in the present case. However, vide

judgement dated 17.03.2023 (Annexure P-2), all the other co-accused have already been acquitted by the trial Court. Learned counsel further contends that in view of the judgment dated 17.03.2023 (Annexure P-2) passed by the Additional Sessions Judge, Panipat, whereby, the trial Court has acquitted nine co-accused, the chances of conviction of the petitioner in the present case are also remote and no useful purpose will be served by keeping him behind the bars. Learned counsel next contends that the petitioner was arrested in the case on 26.03.2023 and is in custody since then. He further contends that it has been alleged that the petitioner caused injuries with a *Danda*, but no recovery was effected from him. As per him, the challan has already been presented against him before the competent Court and the conclusion of the trial may take quite considerable time.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was declared to be a proclaimed offender in the year 2019 and has been arrested on 26.03.2023. Apart from that, he had actively participated in the commission of the crime alongwith his co-accused and does not deserve the concession of bail.

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

5. In this case, it is apparent from the judgment dated 17.03.2023 (Annexure P-2) that nine other co-accused Suraj Bhan, Anoop, Surender @ Cheeni, Pardeep @ Bittu, Jitender @ Sukha,

Geeta, Prem Singh, Tara Chand and Satpal have already been acquitted by the trial Court. Even though, the petitioner was declared to be a proclaimed offender in the present case and the apprehension expressed by the learned State counsel seems to be genuine, still, the plea of the petitioner for grant of concession of bail can be considered by imposing stringent conditions on him. The petitioner is in custody since last more than 07 months and no useful purpose will be served by keeping him behind the bars.

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.

14.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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