

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-59620-2023

Date of Decision:12.12.2023

Surender @ Ashu

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Himanshu Joshi, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 732 dated 18.11.2021, registered under Sections 148,323,341,379-B,427,506 read with Section 149 of IPC (Annexure P-1) Police Station City Narnaul, District Mahendergarh.

2. Learned counsel for the petitioner contends that the petitioner had applied for grant of bail and vide order dated 29.03.2022 (Annexure P-2), the petitioner was ordered to be released on interim bail. Learned counsel for the petitioner next contends that vide order dated 29.03.2022 (Annexure P-2) the petitioner was granted the concession of interim bail and he surrendered on time. He further contends that due to some mis-communication with his counsel, he could not appear on few dates before the Trial Court and was declared as a proclaimed person. Learned counsel further contends that the challan in the present case has already been presented against the present petitioner. The

petitioner was arrested in the present case on 22.01.2022 and is in custody for the last more than one year and 10 months.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and nine more cases have already been registered against him. However, she admits that the petitioner is on bail in these cases.

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

5. The petitioner was arrested in the present case on 22.01.2022 and is in custody for the last more than one year and 10 months and the conclusion of the trial may take quite a long time. The petitioner has already been granted the concession of bail in other cases. Moreover, the apprehensions expressed by learned State counsel can be allayed by imposing stringent conditions on the present petitioner.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

(vii) *The concerned Court may insist on two heavy local sureties 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 and 3rd Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move

an application in this regard.

12.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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