2023:PHHC:157291

CRM-M-60790-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-60790-2023
Date of Decision:-08.12.2023

Lakhvinder Singh

……Petitioner

Versus

State of Haryana

……Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

****

Present: Mr. Jagraj Singh, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.409 dated 24.09.2023 under Sections 147, 148, 149, 452, 323, 427, 506 IPC (Section 307 IPC added later on), registered at Police Station Sadar Sirsa.

2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been in custody since 12.10.2023. He also relies upon the order passed by this Court in CRM-M-60335-2023 to claim parity.

3. Learned State counsel does not deny the fact that the co-accused Bishambar has been granted the concession of anticipatory bail and he is on the same footing though reiterates that the petitioner was member of the unlawful assembly who had premeditated the attack.

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4. Considering the fact that the petitioner was not named in the FIR and the trial is likely to take long time, coupled with the fact that there is no other case against the petitioner therefore, no useful purpose would be served by keeping the petitioner in custody.

5. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

6. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

08.12.2023
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Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No

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