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

CRM-M-193-2024**Date of Decision: 15.03.2024**

Manish

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Rishav Jain, Advocate with
Mr. Kanish Jindal, 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 regular bail in case FIR No.578 dated 29.09.2021 registered under Sections 342, 394, 397, 307, 34, 120-B of IPC and Sections 25, 25(I)(A), 54, 59 of Arms Act, 1959, at Police Station Mujesar, District Faridabad.

2. Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor any specific role has been attributed to him. As per case of the prosecution, Vipul was arrested on 04.10.2021 and during the course of investigation, he had named the present petitioner as one of the accused. Thereafter, the petitioner was arrested in the present case on 13.10.2021 and is in custody for the last more than 02 years and 5 months. Learned counsel further contends that the petitioner was also involved in one more case i.e. FIR No.765 dated 01.10.2021, registered under Sections 302, 120-B, 307, 109 of IPC, at Police Station Kotwali Haridwar, District Haridwar,

however, vide order dated 22.03.2023 (Annexure P-4), the petitioner has already been granted the concession of bail in the said case by the High Court of Uttarakhand at Nainital. He further contends that co-accused, Vipul has already been granted the concession of regular bail by this Court, vide order dated 27.04.2022 passed in CRM-M-16587-2022 (Annexure P-2) and the case of the petitioner is on better footing than him.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that one more case under Section 302 IPC has been registered against the present petitioner for attacking at police party. However, she admits that the petitioner is on bail in the said case.

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

6. No doubt, the antecedents of an accused are relevant consideration, while considering the bail application of an accused. However, in the present case, the petitioner has already been ordered to be released in the other case vide order Annexure P-4. Apart from that, the petitioner is in custody for the last more than 02 years and 05 months in the present case and the trial may take considerable time. Thus, further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, 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 involves 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 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.

(N.S.SHEKHAWAT)
JUDGE

15.03.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No