

CRM-M-1021-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision:-16.01.2024

Nitin Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sandeep Saini, Advocate for
Mr. Sanpreet Sandhu, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition has been filed for grant of regular bail to the petitioner in case FIR No. 212 dated 20.07.2023 under Section 379-A of the Indian Penal Code, registered at Police Station Sector 17, HUDA Jagadhri, District Yamuna Nagar (Annexure P-1).
2. Learned counsel for the petitioner has submitted that the petitioner had no role to play in the said incident and has been involved on the basis of a disclosure statement made by him in another FIR. He further submits that the petitioner is in custody since, 21.07.2023.
3. Custody certificate of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions, according to which, the petitioner is in custody for last 05 months.
4. Learned State counsel does not dispute the aforesaid facts.
5. Nonetheless, admittedly the petitioner is in custody for the last 05 months and 24 days and the fact that the trial is likely to take long time,

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therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to grant the concession of regular bail.

6. 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. The petitioner 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. The petitioner 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. The petitioner 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.

7. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

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

(ALOK JAIN)
JUDGE

16.01.2024
Parul

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