

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(216)

CRM-M-2933-2023
Date of Decision:- 26.02.2024

Balram @ Lofar @ LafarPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.537, dated 20.07.2020, under Sections 302, 341, 148, 149, 120-B of IPC and Section 25 of Arms Act 54 of 1959, registered at Police Station HTM Hisar, District Hisar, Haryana.
2. Custody certificate filed by the learned State counsel is taken on record.
3. Learned counsel for the petitioner has submitted that as per the FIR, the petitioner was identically placed with co-accused Sunil @ Poli and neither he was present on the spot nor he had any role to play in the occurrence. He further submits that in fact the fatal injury and firing was done by co-accused Suraj @ Bachi and the said weapon was also recovered from him and the allegation against the petitioner is only that

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he was with accused Sunil @ Poli and claims parity with the co-accused Sunil @ Poli. Learned counsel further submits that the petitioner is in custody for the last 03 year, 06 month and 24 days, as per the custody certificate submitted by the learned State counsel.

4. Learned State counsel on instructions from SI Bijender Singh has submitted that out of 34 witnesses, 13 witnesses have been examined.

5. After hearing learned counsel for the parties and the fact that the petitioner is a young boy of 20 years old and is in custody since 01.08.2020 and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

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 and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. 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.
- iii. 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.
- iv. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

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7. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.
9. 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.
10. However, it is made clear that this order shall not be construed as parity *qua* any other co-accused.

February 26, 2024
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(ALOK JAIN)
JUDGE

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