

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

231

CRM-M-4468 of 2023

Date of Decision: 18.01.2024

Jitender @ Tony

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Prashant Singh Chauhan, 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 a regular bail in case FIR No.399 dated 09.09.2020 registered under Sections 307, 109 and 120-B IPC and Section 25 of Arms Act at Police Station Khol, District Rewari.

2. Learned counsel for the petitioner contends that the petitioner was initially arrested on 20.09.2020 and vide order dated 11.12.2020 (Annexure P-2), he was ordered to be released on bail. However, during the course of trial, the petitioner did not appear on 12.10.2021 and his bail was ordered to be cancelled and notice was ordered to be issued to the surety of the present petitioner. He further contends that the petitioner was arrested in the present case on 18.04.2022 and is in custody for the last more than 01 year and 10 months. Learned counsel further submits that only 03 witnesses out of

the total 15 witnesses have been examined so far and his custody will not serve any useful purpose.

3. On the other hand, learned State counsel has opposed the submissions made by the learned counsel for the petitioner on the ground that 12 more cases have been registered against the present petitioner. However, she does not dispute the fact that only 03 witnesses have been examined so far and the petitioner is already in custody for the last more than 01 year and 10 months.

4. In the present case, the complainant has levelled allegations against the petitioner that he fired shots twice on him, however, nobody was injured in the present case. No doubt, the petitioner had misused the concession of bail at some stage, however, he cannot be confined in custody for an indefinite period. Still further, since the petitioner had earlier misused the concession of bail, so it would be appropriate to impose very stringent conditions on him, while he was being enlarged on bail by this Court.

5. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM 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 gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties 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 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 and 3rd 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.

18.01.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No