

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

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CRM-M No. 4778-2024

Date of Decision: 07.02.2024

Sourabh @ Sonu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Rakesh Kumar Lathwal, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J.(ORAL)

1. This is a first petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in case bearing FIR No. 305 dated 21.08.2022 registered under Sections 148, 149, 307, 397, 427, 436, 452 and 506 of Indian Penal Code and Section 25 of Arms Act, 1959 at Police Station Sadar Safidon, District Jind (Haryana).

2. During investigation on 04.09.2022, co-accused Amit @ Mita and Ashish were arrested. On 08.01.2023, co-accused Parvinder @ Binder was granted anticipatory bail and he was joined the investigation. On 17.01.2023, co-accused Dharambir and Sumit were joined into investigation as per orders passed by this Court. On 04.07.2023, petitioner-Sourabh @ Sonu was arrested. During investigation, the Investigating Agency has deleted Sections 397, 452 IPC and Section 25 of the Arms Act and similarly situated co-accused Parvinder @ Binder, Sumit @ Chotala and Dharambir were granted the concession of

anticipatory bail by this Court vide order dated 31.01.2023 (Annexures P-1 to P-3 respectively).

3. There is no appearance on behalf of the learned counsel for the complainant. Complainant-Rahul @ Sagar and other witnesses namely Sahil and Arvind has already stated on affidavit dated 08.11.2022 in case the petitioner and other co-accused are granted concession of bail then they will have no objection as they are not responsible for setting the liquor vend on fire.

4. Per contra, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that the petitioner is a habitual offender and is involved in five more cases out of which two cases are registered under Section 302 of IPC. In rebuttal, learned counsel for the petitioner submits that he is on bail in all those cases.

5. Having heard the learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 04.07.2023. Similarly situated co-accused Parvinder @ Binder, Sumit @ Chotala and Dharambir were granted the concession of anticipatory bail by this Court vide order dated 31.01.2023 (Annexures P-1 to P-3 respectively). Culpability, if any, would be determined at the time of the trial. Trial of the case is likely to take long time to conclude so further incarceration of the petitioner without there being the prospect of the conclusion of trial in near future, would be violative of Article 21 of the Constitution of India.

6. In view of the ratio of law laid down by Hon'ble Supreme Court in *Prabhakar Tiwari Vs. State of UP and Anr.* 2020(1) RCR

(Criminal) 831 and *Maulana Mohd. Amir Rashadi Vs. State of U.P. and*

Others 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

7. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner- Sourabh @ Sonu is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. Nothing observed hereinabove shall be construed as an expression of opinion of this Court on the merits of the case and the trial Court shall proceed without being prejudiced by the observations of this Court.

07.02.2024

(HARPREET SINGH BRAR)

Rajeev (rvs)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No