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

CRM-M-7261-2023 (O&M)

Date of decision : 15.04.2024

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...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mohak Arora, Advocate,
for Mr. Manish Soni, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.41 dated 27.03.2019, under Sections 302 read with Section 34 (Sections 201 & 120-B added and Section 34 deleted, subsequently) of the Indian Penal Code, 1860; and Section 25 of the Arms Act, registered at Police Station Sohna, District Gurugram.

2. Allegations are that petitioner along with other co-accused committed the murder of Rakesh Kumar, uncle of the informant.

3. Learned counsel for the petitioner contends that petitioner was granted interim bail by this Court on 25.07.2023 and he is regularly appearing before learned trial Court. Also submits that the

entire prosecution evidence is over and now the case is fixed for final arguments.

4. Learned State Counsel, on instructions, has apprised the Court that case is pending for defence evidence on 24.04.2024.

5. Heard learned counsel for both the sides and perused the paper book.

6. It is a matter of record that petitioner was granted interim bail by this Court on 25.07.2023 and the order reads as under:-

“Contends that petitioner is in custody since 31.03.2019 and out of total 25 prosecution witnesses, only 15 have been examined till date. Also contends that there is no serious progress of the trial; thus, it is likely to take sufficient long time.

Learned State Counsel seeks time to verify the above factual position.

Posted for 24.08.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, petitioner was released on interim bail and he is regularly appearing before learned trial Court; there is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in case his interim bail is made absolute; and the case is

fixed for defence evidence; therefore, sending the petitioner(s) to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 25.07.2023, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

12. Pending application(s), if any, shall also stand disposed off.

15.04.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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