

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-7962-2024

Date of Decision: 28.2.2024

Manoj @ Lambu

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Punit Malik, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.473 dated 16.10.2018 registered for the offences punishable under Sections 307, 34, 387, 506 IPC and Section 25 of Arms Act at Police Station Sector 50, Gurugram.

2. Counsel for the petitioner submits that earlier the petitioner was granted regular bail by the Court concerned vide order dated 3.12.2019 (Annexure P-2) and thereafter, the petitioner was regularly appearing in the trial Court but due to certain medical conditions, he was unable to attend the Court on 7.12.2023 and consequently, his bail bonds/surety bonds were cancelled and he was directed to be summoned through non-bailable warrants of arrest. Thereafter, as the medical condition of the petitioner improved, he himself surrendered before the Court concerned on 30.1.2024 and is presently, lodged in judicial custody.

3. Counsel for the petitioner further submits that the trial is not progressing ahead and the total custody period of the petitioner in the present case is more than 10 months.
4. State counsel has not disputed the fact regarding grant of bail to the petitioner vide order Annexure P-2, who while resisting the present petition, submits that after grant of aforesaid bail, the petitioner got absented on 7.12.2023 and earlier also, he used to move exemption applications just to delay the trial and now surrendered on 30.1.2024. However, the State counsel has not disputed the fact that till date, prosecution is unable to examine any witness out of total 40 witnesses and that the petitioner himself surrendered before the trial Court on 30.1.2024 and is presently, lodged in judicial custody.
5. In the given circumstances, as the trial is not progressing ahead, no useful purpose is going to be served by prolonging the judicial custody of the petitioner.
6. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing heavy surety to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

February 28, 2024
Paritosh Kumar

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