

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12411-2024
Date of Decision:14.03.2024

Govind ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Sandeep Saini, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 319 dated 15.10.2021, registered under Sections 148,149,323,324,307,506 of IPC, Police Station Thanesar City, District Kurukshetra.
2. Learned counsel for the petitioner submits that the petitioner has been falsely involved in the present case. He further submits that the no specific role or injury has been attributed to the present petitioner nor he was present at the spot and he had no enmity with the injured of the present case. By referring to the statements of PW-7 Dr. Vikram Bansal and PW-8 Dr. Gaurav Thami, learned counsel further contends that even the offence under Section 307 of IPC is not made out against the present petitioner in the present case. Learned counsel has also placed reliance on the order dated 21.11.2023 (Annexure P-7) , whereby the similarly placed co-accused Ritik @ Rabin and Ajay Kumar have

already been granted the concession of bail by this Court. He next contends that similarly placed co-accused namely Sahil Saini and Gobind have already been granted the concession of regular bail by this Court vide order dated 08.12.2023 (Annexure P-8). He next contends that the petitioner is in custody since 30.10.2021 and his further custody will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is involved in four more cases and the petitioner is a habitual offender and does not deserve the concession of bail.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. The petitioner is in custody since 30.10.2021 and all material witnesses of the prosecution have already been examined by the prosecution. Still further, the petitioner can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586***. Apart from that, similarly placed co-accused Ritik @ Rabin, Ajay Kumar, Sahil Saini and Gobind have already been granted the concession of bail by this Court vide Annexures P-7 and P-8.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/

Duty Magistrate/Chief Judicial Magistrate 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 is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties 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 on every 1st and 3rd Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

14.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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