

CRM-M-12900-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(239)

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Date of Decision:- 08.04.2024

Sushil Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Mandeep Nehra, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No. 274 dated 08.11.2022, under Sections 379-B read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Chhachhrauli, District Yamuna Nagar, Haryana (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case only on the basis of the statement made by the complainant. He further submits that the petitioner is in custody since 05.01.2024.

4. Learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record, according to which the petitioner is in custody for the last 03 months.

5. In light of the above and considering the fact that it is a magisterial trial and more so, the antecedents of the petitioner are

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absolutely clean, coupled with the fact that the petitioner is in custody for the last 03 months and the fact that the trial is likely to take some time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to the grant of the concession of regular bail.

6. Without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

7. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an

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appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

9. It is further made clear that this order shall not be construed as parity *qua* any other co-accused.

(ALOK JAIN)
JUDGE

April 08, 2024
parul

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