

CRM-M-13612-2024

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2024:PHHC:058178

128+218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-15945-2024 in/and
CRM-M-13612-2024
Date of Decision: 29.04.2024

Lakhbir Singh @ Gora

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Shiv Kumar Rana, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

N.S.Shekhawat J. (Oral)

CRM-15945-2024

1. Application is allowed as prayed for, subject to just exceptions.

Annexures P-6 to P-13 are taken on record.

CRM-12154-2024

1. Application is allowed as prayed for, subject to just exceptions.

CRM-M-13612-2024

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.107 dated 11.03.2021 registered under Sections 379-A and 34 of IPC, at Police Station City Kaithal, District Kaithal.

2. Learned counsel for the petitioner contends that the petitioner was earlier granted the concession of bail by the Court of Additional Sessions Judge, Kaithal on 27.01.2022 vide order Annexure P-2. Learned counsel further

contends that thereafter, the petitioner was regularly appearing before the trial Court. However, the petitioner absented on 15.12.2022 during trial and again surrendered on 29.10.2023. Learned counsel further contends that in the present case, there is no incriminating evidence against the present petitioner and he has been involved only on the basis of suspicion. He further contends that even though, 8 more cases were ordered to be registered against the present petitioner, however, in 06 cases, he has been acquitted and he is on bail in remaining two cases.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that very serious allegations have been levelled against the present petitioner.

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

5. No doubt, serious allegations have been levelled against the present petitioner and the petitioner is in custody since 30.10.2023. Even, out of 8 other cases registered against him, he has already been acquitted in 06 cases. The final report under section 173 Cr.P.C. has already been presented.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, 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 involves 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.

29.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

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