

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

243

2024:PHHC:050409
CRM-M-16891-2024
Date of decision: April 15, 2024

VISHANU @ BISHNU
...Petitioner

Versus

STATE OF HARYANA
...Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Ms. Shalini Atri, Advocate
for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

ALOK JAIN, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.565 dated 09.10.2023 for offences under Section 120-B, 395 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 and Section 397 IPC (added later on), registered at Police Station Rania, District Sirsa.
2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and had been nominated as an accused only on account of a disclosure statement made by the main accused, who allegedly snatched a bag of *ghee* weighing 5 kgs and Rs.5,500/- cash along with a mobile phone and a pair of clothes. He submits that charges have been framed and the matter is fixed for prosecution evidence and there is no incriminating evidence against the petitioner.
3. *Per contra*, learned State counsel has vehemently opposed the prayer for grant of concession of regular bail to the petitioner on the ground that he is a habitual offender and is well-connected with the accused.

4. I have heard learned counsel for the parties and perused the material placed on record. Considering the fact that the petitioner has been in custody for more than 5 months; the challan stands presented and charges framed and that there is no allegation against the petitioner under the Arms Act, the petitioner is extended the concession of regular bail.

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

- ❖ The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ❖ He 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.
- ❖ He 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.
- ❖ He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

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

7. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity qua any other co-accused in any manner whatsoever.
8. 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 appropriate application for cancellation of bail detailing out the circumstances and violation of the condition(s) of bail.

April 15, 2024
Jaspreet Kaur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ALOK JAIN)
JUDGE