

CRM-M-18456-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(226)

CRM-M-18456-2024  
Date of Decision:- 23.04.2024

Deepak

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

\*\*\*\*

Present: Mr. Rohit Mittal, Advocate  
for the petitioner.

Mr. Anmol Malik, DAG, 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. 302 dated 26.10.2023, under Sections 332, 333, 353, 395, 307, 186, 148, 149 and 506 of the Indian Penal Code, 1860, registered at Police Station Kosli, District Rewari (Annexure P-1).
2. Learned counsel for the petitioner submits that the entire story narrated in the FIR is self contradictory as the complainants who were the police official claiming themselves to be on duty were found to have consumed Alcohol for which he relies upon the MLR dated 25.10.2023 and the story narrated in the FIR is highly improbable. He further submits that the petitioner is in custody since 26.10.2023 and has absolutely clean antecedents. He also submits that there is a cross version case lodged by the petitioner's side against those officials.

CRM-M-18456-2024

2

3. Custody certificate of the petitioner has also been filed by learned State counsel in Court today, which is taken on record, according to which the petitioner is in custody for the last 05 months and 27 days and could not deny the fact that the petitioner has clean antecedents, however, submits that the petitioner was brought in the present FIR on the basis of disclosure statement of all other accused who were arrested.

4 Heard learned counsel for the parties.

5. Considering the fact that there is contradictions in the FIR and the MLR, coupled with the fact that the petitioner has clean antecedents and has been in custody for more than 05 months, 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.

CRM-M-18456-2024

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 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 23, 2024  
parul

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