

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

256

CRM-M-21034-2024 (O&M)
Date of Decision:- 18.09.2024

SAKIR @ MONU

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Vikrant Kondal, Advocate for
Mr. Ashik Ali, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J. (ORAL)

- 1. Reply dated 06.09.2024 already filed in the form of an affidavit of Deputy Superintendent of Police, CAW, Panipat, is ordered to be taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
- 2. Arguments heard.
- 3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

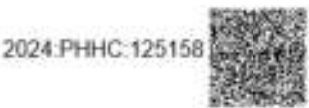
FIR No.	Dated	Sections	Police Station
413	14.11.2023	285 of IPC; 13(2) Haryana Govansh Sanrakshan and Gausamvardhan Act 2015; 25(1-B)(a) of the Arms Act; (307 IPC and 27 Arms Act added later on)	Sector 13/17, District Panipat, Haryana



4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 03.12.2023 and after the completion of investigation, challan has been presented in the Court. He further submits that the conclusion of trial will take sufficient long time as out of 20 witnesses cited by the prosecution, none has been examined till date. He contends that no injury has been attributed to the petitioner and the petitioner is not having any other criminal case registered against him. Thus prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply submitted by the State has assailed the arguments advanced by learned counsel for the petitioner and submits that the name of the petitioner surfaced in the supplementary statement of the complainant and during his interrogation, the petitioner has got recovered a country-made pistol used in the commission of crime. Thus prayed for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner has been arrested in the case in pursuance of the disclosure statement of co-accused Mannawar, who has already been granted the concession of bail by the co-ordinate Bench of this Court vide order dated 01.04.2024 (Annexure P-2). No injury has been attributed to the petitioner and admittedly, he is not involved in any other FIR. Petitioner is in custody since 03.12.2023 and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may



take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

18.09.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |