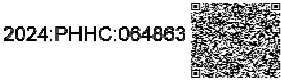


CRM-M No.22225 of 2024



-2IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

296-2

CRM-M No.22225 of 2024
Date of Decision: 09.05.2024

SANJEEV KUMARPetitioner

Vs
STATE OF HARYANARespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

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

Mr. Gurmeet Singh, Asstt. A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No. 302 dated 26.10.2023, registered under Sections 332, 333, 353, 395, 307, 186, 148, 149 and 506 IPC, at Police Station Kosli, District Rewari, Haryana.
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 officials 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.
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



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petitioner is in custody for the last 06 months and 09 days and could not deny the fact that petitioner has clean antecedents, however, submits that petitioner was brought in the present FIR on the basis of disclosure statement of all other accused who were arrested.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, investigation stands concluded with the filing of challan. Considering the fact that there are 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 06 months, therefore, no useful purpose would be served by keeping him in custody, hence, he is entitled to the grant of concession of regular bail. Moreover, with the similar allegations, co-accused namely Deepak has already been granted concession of regular bail vide order dated 23.04.2024 passed by this Court in CRM-M No.18456 of 2024.

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 adequate 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 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 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.

May 09, 2024
Atik

Whether speaking/reasoned
Whether reportable

(HARKESH MANUJA)
JUDGE

Yes/No
Yes/No