

301 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28944-2021
Decided on:-02.04.2024

Mohammed Hasim

....Petitioner..

vs.

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. R.S. Cheema, Sr. Advocate with
Ms. Tarannum Cheema, Advocate and
Mr. S.S. Kang, Advocate,
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

Mr. Ajay Kumar Sharma, Advocate and
Mr. Himanshu Joshi, Legal Aid Counsel for
for respondent No.2.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439(2) Cr.P.C.,
prayer has been made for cancellation of interim bail granted in favour of
respondent No.2 by this Court vide order dated 03.10.2018.

The operative part of order dated 03.10.2018 reads as under:-

*“Accordingly, the present petition is allowed and
petitioner-Naresh is directed to be released on interim bail on his
furnishing bail/surety bonds to the satisfaction of the trial Court
subject to the following conditions: -*

*(i) The petitioner shall not enter the District of Faridabad
including the village where the complainant and other
witnesses reside, till the trial is completed;*

(ii) The petitioner shall report to the police station where he

shall reside, outside District Faridabad, every week and the local police shall keep surveillance on him;

(iii) The concerned Superintendent of Police, Faridabad shall extend police protection to the witnesses and the complainant, if not already provided;

(iv) The petitioner shall deposit his passport, if he possesses with the trial Court;

(v) The petitioner shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

It is also made clear that the interim bail has been granted till the decision of SLP by Hon'ble the Apex Court and on decision of SLP, the petitioner has to surrender before the concerned authorities and thereafter, he is at liberty to move application for regular bail."

2. Learned Senior counsel for the petitioner refers to an order dated 19.03.2024 passed by the Hon'ble Apex Court in SLP (Crl.) No.2603/2018, titled as "*Jalaluddin vs. State of Haryana and others*", which is reproduced hereunder:-

"SLP (Crl.) No.2603/2018

1. The learned senior counsel, Mr. R.S. Cheema for the petitioner submits that since the Trial has already started, he does not press for the present petition, however, the petitioner be permitted to raise all the issues, which are legally permissible in the Trial.

2. In view of the above, the Special Leave Petition is dismissed as not pressed for.

3. Pending applications, if any, shall stand disposed of.

4. It goes without saying that the petitioner shall be at liberty to raise all issues, as are legally permissible.

SLP(C) Nos.26161-26162/2018, SLP (Crl.) No.8721/2018 & W.P. (Crl.) No.224/2018

1. *List after three weeks, as prayed for by the learned counsel for the parties.”*

3. In view of the above, once the SLP filed at the instance of father of the deceased-victim stands disposed of, in terms of order dated 03.10.2018, respondent No.2 is directed to surrender before the trial Court within a period of 03 days from today.

4. In view of the aforesaid, the present petition is disposed of accordingly.

02.04.2024
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(HARKESH MANUJA)
JUDGE

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