



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24663-2024 (O&M)
Date of decision : 12.09.2024

Anoop ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jainainder Saini, Advocate with
Ms. Shilpa Saini, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.212 dated 18.04.2023, under Sections 216, 323, 325, 308, 506, 147, 148 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Adampur, District Hisar.

2. Allegations are that petitioner along with co-accused attacked and inflicted injuries to the complainant with bottle, stick and iron rods with an intention to kill him.

3. Custody certificate dated 11.09.2024 has been produced by learned State counsel, which is taken on record.

4. Specifically contends that complainant has turned hostile. Further contends that petitioner is not named in the FIR; rather nominated on the basis of disclosure made by co-accused-Ajmal. Also contends that petitioner was granted concession of interim bail by this Court on 21.05.2024 and since then, he is regularly appearing before learned trial Court. Again contends that petitioner has



never misused the interim concession; thus, sending him to custody at this stage would not serve any purpose.

5. *Per contra*, learned State counsel acknowledges the above factual position but vehemently opposes the prayer of the petitioner while submitting that petitioner along with co-accused had given merciless beatings to the complainant.

6. Heard both sides and perused the paper-book.

7. It is not in dispute that petitioner was granted interim bail by this Court on 21.05.2024 and the order reads as under:-

“ While making reference to affidavit (P-2), contends *inter alia* that there is no allegation against the petitioner.

Learned State counsel seeks time to verify the above factual position.

Posted for 02.07.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

To be heard along with CRM-M-15053-2024.”

In pursuance of the above order, petitioner is regularly appearing before learned trial Court and there is no allegation that he has misused the interim concession and/or likely to hamper the trial in any manner.

8. It is also not in dispute that petitioner has been nominated on the basis of disclosure made by co-accused-Ajmal. Above all, the complainant has turned hostile.

Moreover, the trial is likely to take sufficient long time; therefore, sending him to judicial custody at this stage, would not serve any purpose.



9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 21.05.2024, is made absolute. He shall be admitted to bail on furnishing fresh bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. Petitioner shall appear on each and every date of hearing without seeking unnecessary adjournment(s).

11. It is clarified that above observations be not construed as an expression of opinion on merits of the case.

12. In case, there is any misuse of concession by petitioner, the State of Haryana would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

12.09.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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