



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

300

CRM-M-27533-2024

Date of Decision: 16.10.2024

AKASH

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gulshan Nandwani, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.214 dated 09.03.2020 registered under Sections 307, 506, 201 and 120-B of IPC and Section 25 of the Arms Act, at Police Station Model Town, District Rewari.

2. Learned counsel for the petitioner contends that in the present case, the allegations have been primarily levelled against Harkesh and Manish, co-accused and the petitioner was not named as one the assailants in the present case. He further contends that even during the course of investigation, no incriminating evidence was collected against the petitioner and even no recovery was effected from him. Learned counsel for the petitioner further contends that the petitioner was arrested in the present case on 25.08.2020 and is in



custody for the last more than 04 years and 01 month. Moreover, co-accused namely Chanderpal @ Tunni and Sarbati have already been granted the concession of bails vide orders Annexure P-2 and Annexure P-3 respectively. Learned counsel further contends that even though two more cases are pending against the petitioner, however, the petitioner is on bail in the said two cases.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against him.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, the petitioner was taken in custody on 25.08.2020 and is continuing in custody since then as an under-trial prisoner. The material witnesses have already been examined in the present case. Moreover, Bir Singh, complainant has appeared as PW-1 and he did not support the case of the prosecution and his further incarceration will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case,



he does not report on every 1^s Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

16.10.2024
M.Sikka

(N.S.SHEKHAWAT)
JUDGE

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