



CRM-M-31149-2024

1

220
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31149-2024
Decided on : 19.09.2024

ATENDER @ BHOLA
... Petitioner

Versus

STATE OF HARYANA
... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Balraj Gujjar, Advocate
for the petitioner(s).

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.10 dated 14.01.2024, under Sections 147, 148, 149, 302, 307 & 120-B IPC and Sections 25, 27, 25(1)(a) & 59 of the Arms Act, 1959, registered at Police Station Bhupani, Faridabad, District Faridabad, Haryana.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and he has not been named in the abovesaid FIR. He further submits that the only role attributed to the petitioner is that allegedly, he had given a pistol to the co-accused-Gaurav 10 days prior to the incident for the purpose of his protection as he has said that he had a dispute with Nikki. He further submits that the petitioner was initially arrested in FIR No.19 dated 03.02.2024, under Sections 25/25(1)A/54 & 59 of the Arms Act, 1959, registered at Police Station BPTP, Faridabad and it was on the basis of that FIR, that he was implicated in the

present FIR. However, in that FIR he has been released on bail vide order dated

**CRM-M-31149-2024****2**

30.04.2024. Further, reliance has been placed upon the judgment passed by Hon'ble Supreme Court in "***Prabhakar Tewari Vs. State of U.P. 2020(11) SCC 648***" regarding pendency of other cases.

3. Learned State counsel has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 07 months and 15 days and there are 06 other criminal cases registered against him, however in all cases, he is on bail. He on instructions from the concerned investigating officer submits that challan has been presented on 08.04.2024 and supplementary challan was presented on 08.06.2024 and charges are yet to be framed and out of total 41 prosecution witnesses, none has been examined till date. However in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard the rival submissions made by learned counsel for the parties.

5. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. Admittedly, the charges are yet to be framed and out of 41 prosecution witnesses, none has been examined till date. The petitioner has undergone actual custody of 07 months and 15 days. The conclusion of the trial will take considerable time and further incarceration will not serve any purpose.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

(i) The petitioner will not tamper with the evidence during the trial.

(ii) The petitioner will not pressurize/intimidate the prosecution

- witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

19.09.2024

Kavita

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(KIRTI SINGH)

JUDGE