

2024:PHHC:116352



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-42680 of 2024
Date of Decision: 05.09.2024

Nitesh @ Panja ...Petitioner
Versus
State of Haryana ... Respondent

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

Present : Mr. Rajesh Lamba, 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 a regular bail in case FIR No.150 dated 08.06.2020 registered under Sections 148, 149, 302, 201, 216, 420 and 120-B IPC and Section 25 of the Arms Act, 1959 at Police Station Kasola, District Rewari, Haryana.
2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and was nominated as an accused on the basis of the disclosure statement suffered by the co-accused Manish. He further contends that the petitioner was arrested in the present case on 13.07.2020 and is in custody for the last more than 04 years and 02 months. He further contends that the similarly placed co-accused Akash has already been granted the concession of bail by

this Court on 13.08.2024 vide order (Annexure P-5). Apart from that, co-accused Rahul and Naveen @ Dhangewal have also been granted the concession of bail by this court. Learned counsel further submits that in the present case, out of total 51 prosecution witnesses, 32 prosecution witnesses have been examined so far and 14 witnesses have been given up. Thus, there are no chances of concluding the prosecution evidence in near future.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that four more FIRs have been ordered to be registered against the petitioner. However, he admits that similarly placed co-accused Rahul, Naveen @ Dhangewal and Akash had been admitted to bail by this Court.

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

5. In the present case, similarly placed co-accused Rahul, Naveen @ Dhangewal and Akash have already been ordered to be released on bail by this Court. Apart from that, the petitioner is in custody for the last more than 04 years and 02 months and all material prosecution witnesses have already been examined by the prosecution. Thus, no purpose will be served by keeping the petitioner behind the bars.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the 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 gets 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 1st 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 Haryana shall be at liberty to move an appropriate application in this regard.

05.09.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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