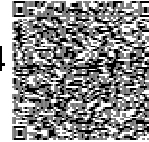


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

214

CRM-M-47742-2023 (O&M)

Date of decision: 24.07.2024

Monu Kirad @ Monu Kumar @ Kirad**...Petitioner****Versus****State of Harayna****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

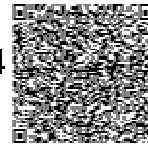
Present:- Mr. Devender Arya, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 191 dated 08.07.2019, registered under Sections 392 and 394 of IPC and Section 25 of the Arms Act, 1959 at Police Station Farrukhnagar, District Gurugram.
2. The aforementioned FIR had been registered against the petitioner and co-accused on the basis of the complaint lodged by one Randhir. The petitioner was initially arrested in this case on 04.08.2019. He was extended benefit of bail. However, he absented himself on 04.05.2023, which led to cancellation of his bail and issuance of non-bailable warrants against him by the trial Court. He surrendered and moved an application for grant of regular bail before the trial Court, which was dismissed and

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thereafter, he approached this Court, whereby he was extended benefit of interim bail on 23.11.2023.

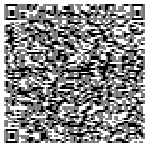
3. Learned counsel for the petitioner has submitted that the petitioner has been regularly attending the trial. All the co-accused are on bail. He undertakes to appear before the trial Court on each and every date of hearing. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that the petitioner had misused the concession of bail previously granted to him and again there are chances of his absconding if extended benefit of regular bail. Hence, he has argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record very carefully.

6. No doubt it is revealed from the record that the petitioner had misused the concession of bail previously granted to him and had absented himself from the court proceedings. He had surrendered before the trial Court on 19.08.2023 and remained in custody till 28.11.2023. He was released on interim bail on furnishing adequate bonds to the satisfaction of the trial Court. At this stage, there is nothing on record to show that he might misuse the concession of bail again. Keeping in view the period of incarceration of the petitioner, the fact that trial is likely to take time and also in view of the fact that he had previously been extended benefit of bail, I am of the considered opinion that no useful purpose would be served by detaining him in custody again.

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7. Accordingly, the present petition is allowed. The order dated 23.11.2023, granting interim bail to the petitioner, is confirmed and his interim bail is converted into regular bail, pending trial. However, this relief will be subject to following conditions that:

- i. The petitioner will mark his presence before the SHO, Police Station Farrukhnagar, District Gurugram on the first Monday of every month till the conclusion of trial.
- ii. He will provide his complete/current address and mobile number to the police station concerned.
- iii. He shall not try to directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

24.07.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No