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

CRM-M-47735-2024**Date of Decision: 03.12.2024**

Nitin alias Negi

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rahul Gugnani, Advocate for
Mr. Rajesh Lamba, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of Cr.P.C. with a prayer to grant regular bail in case FIR No.0438 dated 20.12.2023 registered under Sections 323, 324, 34, 395, 397, 120-B, 341 of IPC (later on added) (Section 379-B IPC deleted), at Police Station Sector-31, Faridabad.

2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been involved at a nascent stage without any incriminating evidence against him. He further contends that the petitioner was arrested in the present case on 03.01.2024 and after completion of investigation, the challan has already been presented against him on 12.03.2024. He further contends that the recoveries have already been effected from the co-accused in the present case. He further contends that no witness, out of total 18 witnesses, has been examined so far and the trial is not likely to conclude in near future.

Learned counsel has further placed reliance on the orders (Annexures P-2 to P-7), whereby similarly placed co-accused Piyush, Aadil, Harsh, Danish, Rohit @



Bravo and Hardil have been granted the concession of regular bail by the trial Court. He further contends that even though, 04 more cases were ordered to be registered against him, but in three cases, he has been granted the concession of bail.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and he does not deserve the concession of bail by this Court.

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

5. The petitioner was arrested in the present case on 03.01.2024 and is in custody for the last about 11 months. It is not in dispute that similarly placed co-accused, namely, Piyush, Aadil, Harsh, Danish, Rohit @ Bravo and Hardil have already been ordered to be released on bail and the petitioner also deserves the concession of bail on parity.

6. Consequently, 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 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 involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties 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 to 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 to 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.*

03.12.2024.
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(N.S.SHEKHAWAT)
JUDGE

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