

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-52454-2023 (O&M)
Date of decision: 21.02.2024

Dheeraj @ SukhaPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Saurabh Sharma, Advocate,
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.
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SANJIV BERRY, J. (ORAL)

1. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
288	10.06.2020	458 IPC (302, 460, 201 IPC and 25 of the Arms Act added lateron)	Mahesh Nagar, District Ambala

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has not committed any crime and has been falsely involved in the present case. He contends that the petitioner is in custody since 29.07.2020.

3. Learned counsel for the petitioner contends that the co-accused of the petitioner, namely Vijay @ Sonu, who is similarly placed has already been granted concession of bail by this Court in CRM-M-44837-2023, (Vijay @ Sonu vs. State of Haryana) vide order dated 14.09.2023 (Annexure P-3).

4. *Per contra*, learned State counsel, by referring to the status report dated 17.01.2024 filed in the form of affidavit of Deputy Superintendent of Police, Ambala Cantt. submits that the petitioner does not deserve concession of bail, considering the heinous nature of crime, however, he admitted that the attribution to the petitioner levelled in the case is at par with that of the co-accused, namely Vijay @ Sonu (*supra*), who has since been granted concession of bail. He further submits that out of 36 witnesses cited by the prosecution only 11 witnesses have been examined till date.

5. Considering the respective arguments advanced by both the sides and perusing the record, it transpires that the petitioner is in custody since 29.07.2020 and the possible recoveries were effected from him; the challan has already been presented in the Court, wherein prosecution has cited 36 witnesses and out of which only 11 witnesses have been examined till date and further the fact that learned State counsel has also not disputed the fact that the case of the petitioner is at par with that of the co-accused, namely Vijay @ Sonu (*supra*), who has since been granted the concession of bail, therefore, no purpose would

be served in detaining the petitioner in custody any longer. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

9. Pending miscellaneous application, if any, also stand disposed of.

21.02.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |