

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

**CRM-M-53165-2023 (O&M)
Date of Decision:15.01.2024**

Sunil Malik @ Sonu

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Rajesh Gupta, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 251 dated 19.05.2023 registered under Section 25 of Arms Act and under Section 34,379-B of IPC (Sections 120-B, 307,467,468,4714 of IPC and Section 29 of Arms Act added later on) Police Station Sector 32-33, Karnal.

2. The FIR in the present case was registered on the basis of the statement moved by Brij Mohan Singla. As per him, at about 08:30 PM on 18.05.2023, he was going home on his motorcycle and he parked his motorcycle in front of his house and locked it. He was carrying a bag in his hand, which contained cash and empty food tiffin and in the meantime, 02 boys came on motorcycle and by showing a pistol they attempted to snatch bag from him, however, he did not hand over the bag to them. On this, one of the assailants trying to fire at him, but the pistol did not work. After that, he took

out a knife from his pant pocket and hit on the left side of his stomach and also stabbed on his right hand, but the complainant did not give the bag to them. Ultimately, two boys snatched a sum of Rs.7000/- and the documents from the pocket of shirt and fled away.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR. Even he was not present at the place of alleged occurrence and as per the prosecution story, he had not participated in the alleged occurrence. Learned counsel further submits that he has been named as an accused on the basis of statement made by co-accused and as per the story of the prosecution, the petitioner had supplied the fire arm to co-accused, Rishu, however, the said fire arm was not used in the alleged occurrence. Learned counsel next contends that the petitioner is in custody since 03.06.2023 and further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that five other cases have already been registered against the present petitioner and does not deserve the concession of bail.

5. In reply to the said submissions made by learned State counsel, learned counsel for the petitioner contends that the petitioner is on bail in all other five cases and in the present case also no recovery has been effected from the present petitioner.

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

7. The petitioner was arrested in the present case on 03.06.2023 and the challan has already been presented against him. Thus, the conclusion of the

trial may take quite a long time . Even though the petitioner is involved in five more cases, but he is on bail in all other cases. Moreover, the apprehensions expressed by learned State counsel can be allayed by imposing stringent conditions on the present petitioner.

8. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved 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 and 3rd Monday of English calendar month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

9. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

15.01.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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