

CRM-M-54237-2023 (O&M)

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

(226)

CRM-M-54237-2023 (O&M)

Date of Decision:- 08.04.2024

Shokeen@Sakeel

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ram Singh Chaudhary, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.0378 dated 06.12.2022, under Sections 306 and 384 of IPC, registered at Police Station Rajendra Park, District Gurugram.

2. Learned State counsel has filed status report along with DITAC report by way of an affidavit of Sh. Shiva Archan, HPS, Assistant Commissioner of Police, West Gurugram on behalf of the State, Haryana, which is taken on record.

3. Learned counsel for the parties are *ad idem* that the charges have been framed, however, the material witness is yet to be examined for which the matter is fixed before the trial Court on 09.04.2024.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 20.05.2023 and the entire evidence is documentary in nature for

which the petitioner has submitted his mobile and the appropriate report from DITAC is also filed with the charge sheet and, therefore, any further incarceration of the petitioner would be futile.

5. Learned State counsel has vehemently opposed the concession of bail to the petitioner but could not deny the fact that the charges have been framed.

6. After hearing learned counsel for the parties and considering the fact that the entire evidence is documentary in nature and the petitioner is in custody since 20.05.2023 and that the trial is likely to take a long time, hence, no useful purpose would be served by keeping the petitioner in custody.

7. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

8. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

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10. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

11. However, it is made clear that this order shall not be construed as parity *qua* any other co-accused.

12. Pending application(s), if any, stands disposed of.

April 08, 2024

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Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No

(ALOK JAIN)
JUDGE