

CRM-M-55904-2023 (O&M)

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

(110+226-1)

CRM-M-55904-2023 (O&M)

Date of Decision:- 15.04.2024

Sabir Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No. 95 dated 13.04.2022, under Sections 457, 380, 201, 436 and 120-B of the Indian Penal Code, 1860, registered at Police Station Radaur, District Yamuna Nagar (Annexure P-1).

2. Learned counsel submits that the petitioner is in custody from 05.04.2023 and has been implicated in the present FIR only on the basis of disclosure statement when he was already in custody in some other FIR and the only ground for his implication is that the recovery of Rs. 13,000/- has been effected from him.

3. Learned State counsel has vehemently opposed the grant of any concession to the petitioner and submits that the petitioner is involved in the serious offence of damaging the public property and stealing the money from the ATM and submits that the petitioner is involved in two

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more cases of similar nature, however, could not deny the fact that the petitioner is in custody since 05.04.2023 and only thereafter, he was implicated in the present FIR.

4. In light of the above and considering the fact that the petitioner is in custody for the last more than 01 year and the fact that the trial is likely to take some time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to the grant of the concession of regular bail.

5. Without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds 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. The petitioner 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. The petitioner 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. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

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

6. 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.

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

8. It is further made clear that this order shall not be construed as parity *qua* any other co-accused.

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

(ALOK JAIN)
JUDGE

April 15, 2024
parul

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