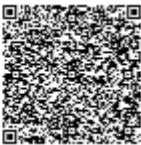


2024:PHHC:146564



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM M-54921 of 2024 (O&M)
Date of Decision: 11.11.2024

Lucky		...Petitioner
	Versus	
State of Haryana		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Arvinder Arora, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the BNSS, 2023 with a prayer to grant a regular bail in case FIR No.200 dated 06.10.2021 registered under Section 346 of IPC (Sections 302, 120-B and 34 of IPC added later on) at Police Station Shahzadpur, District Ambala.
2. Learned counsel for the petitioner contends that as per the version of the prosecution, Gaurav son of the complainant was found missing on 02nd October 2021 and the FIR was initially registered under Section 346 IPC. The dead body of Gaurav was recovered on 20.12.2021 and again the statement of the complainant

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was recorded, wherein, he did not raise any suspicion against anyone. On 15.01.2023, again the supplementary statement of Darshan Lal, complainant was recorded, wherein, Sahil was named. Sahil was arrested on 31.05.2022 and in his disclosure statement, he had named the petitioner as one of the accused. He further contends that only 03 witnesses out of the 30 witnesses have been examined so far and further custody of the petitioner will not serve any meaningful purpose. Learned counsel further submits that the co-accused Sahil has already been admitted to bail vide order dated 15.10.2024 (Annexure P-12) passed by this Court. Co-accused Ankush has also been admitted by bail by the trial Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

4. In the present case, the DNA was conducted by FSL Madhuban. However, the said report does not advance the case of the prosecution in any manner. The name of the petitioner had appeared in the statement of Sahil, co-accused and Sahil has already been admitted to bail by this Court. The petitioner is in custody for the last more than 02 years and 04 months and his further detention as a undertrial prisoner would not serve any purpose.

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5. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM 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 gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at

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liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

11.11.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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