

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60522-2023
Date of Decision:06.03.2024

Satinder @ Mohit ...Petitioner
vs.
State of Haryana ...Respondent

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

Present: Mr. Rahul Rathore, Advocate
for the petitioner.

Mr. Gagandeep Singh Chima, AAG, 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 to him in case FIR No. 374 dated 11.06.2022, registered under Sections 302,392,394,34 of IPC, Police Station City Panipat, District Panipat.
2. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and has been wrongly involved on the basis of disclosure statement suffered by the co-accused. He further contends that even as per the said disclosure statement, no specific role has been assigned to him and it has been wrongly showed that an amount of Rs. 50,000/- was recovered from him. He further contends that the petitioner was arrested in the present case on 16.06.2022 and is in custody since then. Learned counsel for the petitioner has placed reliance on the Annexure P-3 passed by a Co-ordinate Bench of this Court in CRM-M-39020-2023, whereby the similarly placed co-accused Sumit has already been granted the concession of regular bail by a

Co-ordinate Bench of this Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner along with his co-accused had caused the murder of Ramesh. However, learned State counsel could not deny the fact that exactly similarly placed co-accused has already been granted the concession of bail by a Co-ordinate Bench of this Court.

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

5. In the present case, the prosecution has only been able to examine 06 witnesses out of total 34 witnesses so far and the conclusion of the trial may take quite a long time. Apart from that, similarly placed co-accused has already been granted the concession of bail by a Co-ordinate Bench of this Court vide order dated 03.11.2023 (Annexure P-3). The petitioner is in custody for the last more than 01 year and 08 months and his further custody will not serve any meaningful purpose.

6. 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.

7. 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.

06.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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