



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
245 CRM-M-59575-2024
Date of decision: 3rd December, 2024

Sandeep ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manish Soni, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 167 dated 22.09.2017 registered under Sections 148, 149, 302 and 386 of IPC, 1860 and Section 25 of Arms Act, 1959 at Police Station City Sohana, District Gurugram.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the allegations that on 21.09.2017, the petitioner along with co-accused had entered into the shop of the victim-Bhuvnesh, while being armed with country made pistol and had made demand for money. On refusal by the victim, he was assaulted and was then murdered by firing a shot with country made pistol. The petitioner had been arrested on 07.10.2017. He was extended benefit of regular bail vide order dated 06.03.2020 passed by

learned trial Court. He absented himself on 08.04.2022. Proceedings under



Section 82 of Cr.P.C. were initiated against him and he was declared a proclaimed offender on 20.03.2023. He was arrested again and is in custody since 27.05.2024. He had moved an application for grant of regular bail, which was dismissed by the learned Additional Sessions Judge, Gurugram, vide order dated 08.10.2024.

3. It is argued by learned counsel for the petitioner that his bail was cancelled by the learned trial Court on account of his non-appearance on 08.04.2022. He was taken into custody in case bearing FIR No. 546 at Police Station City Gohana on 20.10.2023 and was in custody since then in that case but his production in this case was sought much thereafter. Now, he is in custody since long. He is ready to abide by all the terms and conditions to be imposed upon him. Trial is likely to take time. No useful purpose would be served by keeping him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that the petition does not deserve to be allowed as the petitioner has already violated the terms and conditions of the bail previously granted to him. There are chances of his absconding again, if released on bail. He is a habitual offender and several other cases including two cases under Section 174-A of IPC are pending against him. With these broad submissions, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.



6. The petitioner had been extended benefit of regular bail in this case on 06.03.2020. He remained in custody from 20.10.2023 till the date of his arrest in this case on 27.05.2024. Trial is likely to take time. Keeping in view the above discussed facts and circumstances of the case, but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned, he shall appear before the concerned Police Station once in the first Monday of every month. He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

3rd December, 2024
Parveen Sharma