



CRM-M-23508-2024

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

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**CRM-M-23508-2024 (O&M)
Date of Decision: 19.03.2025**

Sandeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Amit Kohar, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present **third** petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of bail pending trial to the petitioner in FIR No.1046 dated 05.11.2022 (P-1), under Sections 120-B, 307, 323, 506 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, 1959, registered at Police Station HTM Hisar, District Hisar [Sections 148, 120-B read with Section 149 IPC deleted and Sections 325, 201 read with Section 34 IPC added later on].

2. Allegations are that petitioner along with co-accused in furtherance of their common intention fired gun shots upon Saurabh and Praveen.

3. Contends that petitioner was arrested in the present case on 07.02.2023 and after remaining in custody for about 01 year and 08 months, he was granted interim bail by this Court on 03.10.2024. Further contends



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that in pursuance of the aforesaid order, he is regularly appearing before learned trial Court and there has been no progress of trial except examination of only three prosecution witnesses. Also contends that there is no allegation that he is likely to misuse the concession and/or hamper the proceedings in any manner, in case released on bail.

4. Learned State Counsel also, on instructions from quarter concerned, fairly acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court. He also acknowledged that petitioner has not misused the concession of interim bail in any manner.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court granted interim bail to the petitioner on 03.10.2024 and order reads as under:-

“Status report dated 06.07.2024, along with Medical Opinion dated 10.11.2023, already filed is taken on record.

Registry to do the needful.

From perusal of the aforesaid medical opinion, prima facie, offence under Section 307 IPC is not made out against the petitioner.

Faced with the above predicament, learned State counsel seeks time to have further instructions in the matter.

Posted for 25.11.2024.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession and/or hamper the proceedings in any manner. Only three prosecution

witnesses have been examined after grant of interim bail to petitioner and as such there has been virtually no progress of trial. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 03.10.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Court concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations be not construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

19.03.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

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