

CRM-M No. 44606-2024 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No. 44606-2024 (O&M)
Date of Decision: 16.01.2025

Sonu @ Bhim Sain

.....Petitioner

Versus

State of Haryana

.....Respondent

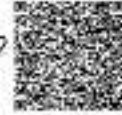
CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Dhiraj Jindal, Advocate for the petitioner.Mr. Ashok Singh Chaudhry, Addl.A.G, Haryana
assisted by SI Malkit Singh.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for seeking bail pending trial in FIR No. 340 dated 31.08.2022, registered under Sections 307 and 120-B of Indian Penal Code, 1860 (for short, 'IPC') (Challan presented and charge framed under Section 307 and 452 IPC) and Section 25 of Arms Act, 1959, at Police Station City Narwana, District Jind.

2. Allegations are that petitioner fired shots with country made pistol upon the victim-Vinod with an intention to kill him and fled away from the spot.

3. Contends that petitioner was arrested in the present case on 22.09.2022 and after remaining in custody for about 02 years, he was granted interim bail by this Court on 13.09.2024. Further contends that in pursuance of the aforesaid order, he is regularly appearing before learned trial Court and there has been no progress of trial. Also contends that



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remaining prosecution witnesses are not coming forward despite granting numerous opportunities by learned trial Court. Lastly contends that there is no allegation that petitioner is likely to misuse the concession and/or hamper the proceedings in any manner.

4. Learned State Counsel, on instructions from quarter concerned, has 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 granted on 13.09.2024.

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

6. This Court granted interim bail to the petitioner on 13.09.2024 in the following manner:-

“Contends inter alia that for the last 5 occasions, complainant is not coming forward to depose before learned trial Court.

Learned State counsel seeks time to have instructions.

Posted for 13.11.2024.

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. Petitioner remained in custody for two years before granting interim bail and there is no progress of trial, therefore, 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 13.09.2024, is made absolute. He shall be



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admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate 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.

16.01.2025
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

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