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

**CRM-M-51029-2024 (O&M)
Date of decision : 19.03.2025**

Chander Mohan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Poorva Gupta, Advocate (through video conferencing)
for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana assisted by
Sub Inspector Subhash Chand.

MAHABIR SINGH SINDHU, J.

Present third petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS'), for grant of bail pending trial to the petitioner in FIR No.301 dated 17.07.2023, under Sections 323, 506 and 148 read with Section 149 of Indian Penal Code, 1860 (for short 'IPC') (Sections 325 and 307 IPC added later on), registered at Police Station Gandhi Nagar, District Yamuna Nagar.

2. Allegations are that petitioner in prosecution of their common object along with other co-accused inflicted injuries on the person of complainant party with *dandas* and iron rods, etc.

3. Reply by way of affidavit dated 16.07.2023 of Rajesh Kumar, HPS, Deputy Superintendent of Police, Yamuna Nagar-II



already filed on behalf of respondent, is taken on record. Copy thereof supplied to the opposite side.

Registry to do the needful.

4. Contends that petitioner is in custody since 19.07.2023; after investigation, final report under Section 173 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') was submitted on 12.09.2023; charges were framed on 03.05.2024; out of total 19 prosecution witnesses, only 03 witnesses have been examined and petitioner is regularly appearing before learned trial Court. Further contends, trial is likely to take sufficient long time to conclude.

4.1 Also contends that co-accused, namely, Karan; Rajan @ Raja; Suraj and Kanhaiya Lal @ Kanhiya Lal have already been granted bail by this Court vide orders dated 20.09.2024 (P-12 to P-15) passed in CRM-M-58682-2023; CRM-M-9215-2024; CRM-M-11826-2024 and CRM-M-11788-2024, respectively.

4.2 Further contends that petitioner was granted interim bail by this Court on 22.10.2024 and he is regularly appearing before learned trial Court.

4.3. Again contends that prosecution witnesses are not coming forward; thus, trial is delayed unnecessarily.

4.4 Lastly contends that there is no apprehension that petitioner is likely to influence the prosecution witnesses or hamper the trial, in any manner.

5. Learned State Counsel, on instructions, has fairly acknowledged the above factual position.



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

7. It is a matter of record that petitioner was granted interim bail by this Court on 22.10.2024 and the order reads as under:-

*“**Contends** inter alia that co-accused have already been granted the concession of bail pending trial by this Court and despite repeated orders passed by learned trial Court, prosecution witnesses are not coming forward.*

Learned State counsel seeks time to find out the reasons for non-examination of the prosecution witnesses.

*Posted for **16.12.2024.***

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.”

8. It is not in dispute that petitioner remained in custody from 19.07.2023 to 22.10.2024; final report under Section 173 Cr.P.C. was submitted on 12.09.2023, charges were framed on 03.05.2024; out of total 19 prosecution witnesses, only 03 witnesses have been examined and co-accused, namely, Karan; Rajan @ Raja; Suraj and Kanhaiya Lal @ Kanhiya Lal have already been granted bail by this Court vide orders dated 20.09.2024 (P-12 to P-15) passed in CRM-M-58682-2023; CRM-M-9215-2024; CRM-M-11826-2024 and CRM-M-11788-2024, respectively. Learned State counsel is also not able to controvert that after granting interim bail vide order dated 22.10.2024, petitioner has not misused the concession in any manner.



9. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 22.10.2024, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
10. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
11. Above observations be not construed as an expression of opinion on merits of case, in any manner.
12. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Haryana 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
d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No