

Sr. No. 220

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

**CRM-M-56552-2024 (O&M)
Dated : 10.02.2025**

Pushkar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vishal Sharma, Advocate and
Mr. S.S. Aviraj, Advocate for the petitioner.

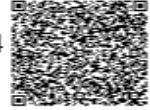
Mr. Neeraj Sheoran, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.251 dated 15.07.2020, under Section 307 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, 1959 (Sections 120-B, 201, 216, 302, 148 read with Section 149 of 'IPC' added later on), registered at Police Station City Sohna, District Gurugram.

2. Allegations are that petitioner along with other co-accused fired gunshots on complainant's brother, namely, Manoj Kumar with an intention to kill him and later on, he succumbed to the injuries.

3. Contends that petitioner is in custody since 09.09.2020 and Hon'ble the Supreme Court has granted bail to the main accused- Mahesh @ Neeshu in SLP (Crl.) No.14451-2024 on 17.12.2024, who



had undergone custody for a period of about four years and three months; thus, petitioner is claiming parity.

4. *Per contra*, learned State counsel is not able to dispute the factum of custody of petitioner as well as grant of bail to the main accused-Mahesh @ Neeshu by Hon'ble the Supreme Court.

5. Heard learned counsel for the petitioner and perused the paper-book.

6. It transpires that Hon'ble the Supreme Court in *SLP (Crl.) No.14451-2024* titled as '*Mahesh @ Neeshu Vs. State of Haryana*' has granted the concession of bail pending trial to the main-accused on 17.12.2024 (A-2 in connected CRM-M-63218-2024) and the relevant extract of the same is recapitulated as under:-

"Considering the facts on record, in our view, the case for bail is made out.

We, therefore, allow this appeal and direct as under:

'The appellant, Mahesh @ Neeshu shall be produced before the concerned Trial Court as early as possible and the Trial court shall release him on bail, subject to such conditions as it may deem appropriate to impose to ensure his presence in the proceedings arising out of FIR No. 251 of 2020 mentioned above.'

It is directed that the appellant shall extend complete cooperation in the trial of the instant case. The appellant shall not misuse his liberty in any manner.

Any infraction of the conditions shall entail cancellation of bail granted to the appellant.

With these observations, the appeal is allowed."



7. Bare perusal of the above extract reveals that main accused has already been granted bail pending trial by Hon’ble the Supreme Court. It is also not in dispute that petitioner is in custody since 09.09.2020; therefore, further incarceration of the petitioner would not serve any purpose.
8. In view of the above, this Court is left with no other option, except to allow the present petition.
9. 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 shall fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).
11. The above observations be not construed as an expression of opinion on the merits of the case in any manner.
12. It is clarified that if there is any recurrence or misuse of concession on the part of 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.

10.02.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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