

2025:PHHC:005020



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

230

CRM M-36063 of 2024

Date of Decision: 15.01.2025

Mustak @ Bandru

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Munfaid Khan, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.83 dated 01.08.2023 registered under Sections 147, 148, 186, 323, 332, 353, 379-B, 427, 506, 120-B and 153-A of IPC at Police Station City Tauru, District Nuh.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case as he was not present at the spot. He further contends that the petitioner has been involved only on the basis of the suspicion as crowd had allegedly called the name of one person, namely, Bandru. He further contends that the petitioner was arrested in the present case on 06.08.2023 and is in custody for the last about 01 and 03 months. Learned counsel

further contends that majority of the accused have already been admitted to bail by the trial Court. He further contends that the case is listed for framing of charge before the trial Court and no witness has been examined so far. Moreover, all the injuries suffered by the police officers were simple in nature and the petitioner being a villager is not in a position to influence the witnesses of the prosecution.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground the 08 more FIRs have been registered against him and the petitioner is not entitled for the concession of regular bail.

4. I have heard learned counsel for the parties and perused the record.

5. Even though, 08 more FIR's have been registered against the petitioner, but in the present case, the petitioner has been able to make out a case for grant of bail in the facts and circumstances of the present case. It has been held by the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** that petitioner can never be confined in jail for an indefinite period as the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and***

another 2012(1) R.C.R. (Criminal) 586. Still further, in the present case, the petitioner is in custody for such a long period.

6. Still further, the petitioner was arrested in the present case on 06.08.2023 and is in custody since then. No doubt, 08 officials had suffered injuries in the present case but all the injuries were declared to be simple in nature and all have been discharged long ago. Still further, majority of the accused have already been by the trial Court.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

15.01.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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