



CRM-M-35259-2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210/3

CRM-M-35259-2024 (O&M)
Date of Decision: 31.01.2025

Sandeep Kumar @ Chhota

..... **Petitioner**

Versus

State of Haryana

..... **Respondent**

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Naveen Dahiya, Advocate, for
Mr. Vikram Singh Narwal, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

Mahabir Singh Sindhu, J.

Present second petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for seeking bail pending trial in FIR No.93 dated 29.04.2023, registered under Sections 395, 506 and 120-B of Indian Penal Code, 1860 (for short, 'IPC'), at Police Station Partap Nagar, District Yamuna Nagar.

2. Allegations are that petitioner alongwith his co-accused after hatching a criminal conspiracy conjointly robbed *de facto* complainant-Anil Kumar to the tune of Rs.7 lakh, as well as two signed blank cheques and also criminally intimidated him.

3. Contends that petitioner was arrested in the present case on 04.05.2023 and after remaining in custody for more than 01 year and 06 months, he was granted interim bail by this Court on 29.11.2024 and that in pursuance of the aforesaid order, he is regularly appearing before learned



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trial Court and there has been no progress of trial. Lastly contends that there is no allegation that he is likely to misuse the concession and/or hamper the proceedings in case released on bail.

4. *Per contra*, learned State Counsel, on instructions from SI Daulat Ram, has fairly acknowledged the above factual position and submits that petitioner is regularly appearing before learned trial Court. 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 29.11.2024 and order reads as under:-

“Contends that petitioner is in custody since 04.05.2023; charges were framed on 09.04.2024 and out of total 26 prosecution witnesses, only 03 have been examined till date; but none of them is supporting the prosecution case.

Learned State counsel seeks time to have instructions in the matter.

Posted for 11.12.2024.

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”.

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. As the trial is likely to take sufficient long time; therefore in such a scenario, sending the petitioner to



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custody at this stage would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 29.11.2024, 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 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.

**(MAHABIR SINGH SINDHU)
JUDGE**

31.01.2025

D.Bansal

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