

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:065116



222

CRM-M-1487-2025

Date of decision:15.05.2025

Sunny Singh

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

...

N.S. Shekhawat, J. (Oral).

1. The petitioner has filed the present petition under Section 483 BNSS with a prayer to grant regular bail to him in case FIR No.199, dated 29.08.2021, under Sections 342, 392 IPC and Section 25 of the Arms Act (Sections 395, 120-B, 201 and 34 IPC and Section 61 of the Excise Act have been added later on during investigation), registered at Police Station Sadar Ratia, District Fatehabad.

2. The FIR in the present case was registered on the basis of statement made by Lovepreet Singh S/o Darshan Singh and the same has been reproduced hereinabove:

“To, The Station House Officer, Police Station Sadar Ratia. Respected Sir, it is requested that myself Lovepreet Singh son of Darshan Singh is resident of village Chellanwali District Mansa. Punjab. I am running liquor vend in village Khai and I have employed Inder Yadav son of Surender Yadav resident of

Mussina Police Station Dhobi District Gaya Bihar as a salesman on my liquor vend. Today at around 9:38 PM, I have received the information that somebody has looted my above said salesman by showing pistol: On receiving the information, I informed the Station House Officer of the Police Station and when I reached my liquor vend then I found that the liquor vend was locked and both hands of my salesman are tied and is inside the liquor vend and that you have reached on the spot. Then I counted liquor and found that 32 boxes of country made liquor and one box of beer and mobile phone of my salesman was also looted. There was one person on the motorcycle and he was having pistol and three persons came in car and looted the above articles. That legal action be taken against them and my articles be recovered. Sd/-Lovepreet Singh. Applicant Lovepreet Singh son of Darshan Singh resident of Khali Chelanwali District Mansa. Mobile Number 9814500812.”

3. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and he was named by the complainant in his supplementary statement, which was recorded on 04.10.2021 i.e. after 1½ months of the alleged incident. The petitioner earlier applied for grant of bail to this Court and vide order dated 28.04.2022, he was granted the concession of bail by this Court. Thereafter, due to some misunderstanding, he could not appear before the trial Court and the proclamation was issued against him on 23.07.2024. He further contends that the petitioner was arrested in the present case on 16.09.2024 and is in custody since then. He further contends that no witness has been examined by the prosecution and the custody of the petitioner would not serve any purpose.

4. On the other hand, learned State counsel has filed status report by way of affidavit of Deputy Superintendent of Police, Agroha and the

same is taken on record. He submits that the petitioner is evading the process of law and proclamation was issued against him. Even during this period, two more cases under the provisions of NDPS were ordered to be registered against the petitioner. However, he does not dispute the fact that the petitioner is on bail in both the cases.

5. I have heard learned counsel for the parties and perused the records carefully.

6. In the present case, no doubt the petitioner had earlier absented during the course of trial, but he was re-arrested by the police on 16.09.2024 and is now in custody for the last about 08 months. Even on earlier occasion, he had remain in custody for almost 04 months. Now, the prosecution has cited 31 witnesses, but no witness has been examined so far. Still further, the apprehension expressed by learned State counsel can be addressed by imposing stringent conditions on the petitioner while granting him concession of bail in the present case.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/Duty Magistrate/Chief Judicial Magistrate 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 is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

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

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

15.05.2025

harjeet

(N.S. SHEKHAWAT)
JUDGE

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