

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

Sr. No.206

CRM-M-9477-2022

Date of decision : 27.9.2022

Raj Kumar

.....Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Vishal Singh, Advocate for the petitioner

Mr.Gaurav Bansal, AAG, Haryana

AMAN CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.694, dated 15.10.2020, registered under Sections 380, 457, 211, 201, 413 IPC at Police Station Barwala, District Hisar.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. He has been falsely implicated in the present case because his name surfaced in the 3rd disclosure statement of co-accused Sahil, who has since been granted regular bail by the learned trial Court vide order dated 30.5.2022. It is further submitted that he had alleged to have purchased the gold and silver from the co-accused, which is alleged in the FIR to have been stolen. He further submits that the petitioner himself had surrendered before the police on 28.7.2021 and since then, he is in custody.

Per contra, learned counsel for the State opposes the prayer of the petitioner on the ground that the alleged recovery was effected from the petitioner and he is involved in 3 more cases of similar nature. He further informs that the charges have been framed on 18.2.2022 and now the case is fixed for examination of PWs. There are total 22 PWs.

In rebuttal, learned counsel for the petitioner submits that out of 3 cases, the petitioner is on bail in 2 cases.

Heard the learned counsel for the parties.

Considering the peculiar facts and circumstances of the case

and the fact that the petitioner is not named in the FIR, he is in custody since 28.7.2021; charges have been framed and now the case is fixed for examination of PWs; since, there are 22 PWs, the trial will take a considerable time to conclude, therefore, further detention of the petitioner behind the bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurise/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, inducement, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made above, which have only been made for the purpose of adjudicating the present petition for grant of regular bail.

27.9.2022

gsv

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No