

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-16419-2022 (O&M)
Date of decision: 27.10.2022

MUKESH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG Haryana.

AMAN CHAUDHARY. J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.82 dated 10.03.2020, under Sections 148, 149, 323, 341 and 302 IPC registered at Police Station Bawani Khera, District Bhiwani.

Learned counsel submits that the petitioner is in custody since 10.03.2020 and in the FIR a total of 22 persons were named including the petitioner, out of whom 16 were declared innocent and challan was presented against only six. He submits that the alleged injury attributed to the petitioner is on the back of Jagdish S/o Jai Ram (uncle of the complainant-Ajay Kumar) with a *danda*. He submits that the said injury has also not been corroborated by the MLR as no external injury has been found on the person of the injured Jagdish. It is his further submission that the petitioner has not been attributed any injury to the deceased. He further submits that 11 persons were summoned on an application filed under Section 319 CrPC, to whom no fatal injuries have been attributed to the deceased except to co-accused Ajay, who had been attributed simple injury to

the deceased, have been granted anticipatory bail by this Court vide orders Annexures P-7 to P-10. He further submits that he is on better footing than them, inasmuch as he has remained in custody for the last 02 years 07 months. Out of 22 witnesses only 04 witnesses have been examined including the complainant. The petitioner is not involved in any other case.

Contrarily, learned State counsel opposes the bail petition on the ground that in furtherance of common object, the offence had been committed. He is, however, unable to controvert the fact that the petitioner is in custody since 10.03.2020 and that out of total 22 witnesses only 04 have been examined and that there is no other case against the petitioner as also the fact that similarly placed co-accused have since been granted the bail by this Court.

I have heard learned counsel for the parties.

While considering the facts and circumstances of the case particularly that that the petitioner is in custody since 10.03.2020; similarly placed co-accused have been granted the concession of bail; petitioner has not been attributed any injury to the deceased; petitioner is not involved in any other case and since only 04 out of 22 witnesses have been examined, and the trial would take considerable time to conclude, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

As a result, 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 pressurize/ 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, induce, 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.

In view of the above, this Court makes it clear that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

October 27, 2022

S.Sharma(syr)

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