

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

Sr. No.210

CRM-M-20857-2022 (O&M)

Date of decision : 24.11.2022

Satyawan @ Sattar

.....Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Aditya Sanghi, Advocate for the petitioner

Mr.Tanuj Sharma, AAG, Haryana

AMAN CHAUDHARY, J.

CRM-42784-2022

For the reasons stated in the application, the same is allowed.
Annexures P-2 to P-5 are taken on record subject to all just exceptions.

Main case

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.392, dated 10.4.2022, registered under Sections 307, 120-B, 34 IPC and Section 25 of the Arms Act at Police Station Barwala, District Hisar.

Learned counsel submits that though the petitioner was named in the FIR, but neither he was present at the spot, nor any injury or overt act has been attributed to him. The only allegation against the petitioner as per the statement of the complainant is of being a conspirator with the main accused, as also his own disclosure statement, wherein his role comes out as a conspirator. Learned counsel further submits that prima facie only Section 120B of IPC is made out against the petitioner. The main allegation of having been fired on the complainant is attributed to co-accused Sukhbir Dadu and Manjit @ Sittu, who are the nephews of the petitioner. He submits that the petitioner has been in custody since 12.4.2022. The challan however, stands presented on 2.6.2022, but charges are yet to be framed.

There are a total of 20 prosecution witnesses. He further submits that the petitioner is not involved in any other FIR.

Contrarily, learned State counsel opposes the prayer of the petitioner on the ground that the petitioner being a part of conspiracy, he is not entitled for bail. Though he is unable to controvert the facts that there is no overt act attributed to the petitioner; he is not involved in any other FIR; he is in custody since 12.4.2022 and charges are yet to be framed.

Heard.

Considering the facts and circumstances of the case particularly that the petitioner has been in custody since 12.4.2022; he is not involved in any other case; though challan stands presented but charges are yet to be framed; there are a total of 20 PWs, further detention of the petitioner behind bars would not serve any useful purpose, thus, the present petition for grant of regular bail deserves to be allowed.

Resultantly, 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 surrender his passport, if any, and will not leave the country without the permission of the Trial Court.
5. 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.
6. 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.
7. The petitioner shall not in any manner misuse his liberty.

- 8. Any infraction shall entail in withdrawal of the benefit granted by this Court.
- 9. The petitioner will furnish correct mobile number and residential address and shall not change the same without prior intimation to the trial Court.

It is further clarified that if the petitioner does not abide by the aforesaid conditions, the State would be at liberty to seek cancellation of his bail.

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.

24.11.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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