

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

CRM-M-26678-2022

Date of Decision: September 15, 2022

Mandeep alias Lavi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Namit Khurana, 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.64 dated 02.03.2021, under Sections 307, 34 of IPC and Section 25 of the Arms Act, 1959, registered at Police Station Chhappar, District Yamuna Nagar.

Learned counsel for the petitioner contends that the role attributed to the petitioner is of conspiracy, however, no overt act has been attributed to him in the FIR. The main allegations are against the co-accused, who have been alleged to have fired on the complainant, on account of which he suffered injuries. He further submits that the said complainant had turned hostile as is apparent from Annexure P-4 dated 26.05.2022. It is the submission of the learned counsel for the petitioner that out of 32 prosecution witnesses, only 7 witnesses have been examined.

Learned counsel for the petitioner further submits that the petitioner is not named in the FIR and his name was surfaced on account of the disclosure statement of Saurav @ Maau; that the recovery of the alleged weapon has not been effected from the petitioner; that he is in custody since 13.10.2021.

Learned State counsel opposes the prayer of the petitioner on the ground that there are five more cases registered against the petitioner. However, he submits that out of 32 prosecution witnesses, 10 witnesses have been examined and that the petitioner was involved in the case based on the disclosure statement and the allegation against him are that he had supplied the pistol to the main accused and conspired with them.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case and the fact that the complainant has turned hostile as is apparent from Annexure P-4; the petitioner has been implicated with the case involved in the case based on disclosure statement of co-accused; nothing has been recovered from him; allegation against him are of conspiracy, which shall be determined during the course of trial; out of 32 prosecution witnesses, only 10 witnesses have been examined; the petitioner is in custody since 13.10.2021, the trial is likely to take some time and his further detention 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 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 purposes 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.

September 15, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No