

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

105+268

**CRM-36567-2022 IN/&
CRM-M-26616-2022 (O&M)
Date of decision: 27.10.2022**

BALJEET

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Sharmila Sharma, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG Haryana.

Mr. Ravinder Hooda, Advocate
for the complainant.

AMAN CHAUDHARY. J. (ORAL)

CRM-36567-2022

This is an application for placing on record deposition of PW2 to PW4 as Annexures P/5 to P/7.

For the reasons stated in the application, same is allowed. Annexures P/5 to P/7 are taken on record.

CRM-M-26616-2022

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.454 dated 12.12.2021, under Sections 148, 149, 302, 323 of the IPC (Section 120-B and 201 IPC read with Section 34 IPC added later on and Sections 148 and 149 IPC deleted later on) registered at Police Station Baroda, District Sonipat.

Learned counsel contends that though petitioner was named in the FIR, however, no overt act has been attributed to him. Furthermore as per the

allegations only 01 injury proved to be fatal to the deceased has been attributed to one Jagbir S/o Deewan Singh, who is in custody. Learned counsel would further contend that the statements of the complainant-PW1, PW2, PW4 and PW5, have been recorded and they have not supported the case of the prosecution qua the petitioner. She submits that that the petitioner is in custody since 13.12.2021 and is not involved in any other case. She has further submitted that the complainant has deposed that it is only Suman and Jagbir who are responsible for committing murder of her husband and that the petitioner, who was in Court on the date of recording of statement, is not involved in the murder of her husband.

Contrarily, learned State counsel submits that the petitioner was named in the FIR and *lalkara* has been attributed to him, however, he is unable to controvert the fact that the petitioner is in custody since 13.12.2021 as also the fact of statements having been recorded wherein the complainant and other witnesses did not support the case of the prosecution in so far as the petitioner is concerned.

I have heard learned counsel for the parties.

While considering the facts and circumstances of the case particularly that the petitioner has been in custody since 13.12.2021; no overt act has been attributed to the petitioner; statement of complainant and three other witnesses have been recorded, who have not supported the case of the prosecution; petitioner is not involved in any other case, 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)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>