

**209-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-30683-2022

Date of Decision: September 19, 2022

Amandeep Kumar @ Aman Kichar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Manipal Atwal, DAG, Punjab.

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.0134 dated 22.09.2021, under Sections 302, 323, 506, 148 and 149 of IPC, registered at Police Station Bahavwala, District Fazilka.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR, wherein five persons were named attributed specific injuries. He further submits that the petitioner has been involved in this FIR based on the disclosure statement of co-accused, namely, Ashwani Kumar, who is in custody. He further submits that the petitioner was not present at the spot at the time of incident. In this regard, he had produced CCTV footage before the Investigating Agency that at the time of the alleged incident, he was in Abohar. He further submits that the allegation against 2-3 unknown persons was that they dragged one Nagarmal and not the deceased. It is further submitted that there were three injuries on the person of the deceased, which were attributed to co-accuseds, namely Narender Kumar and Surender Kumar,

who are in custody. It is also submitted that the petitioner is in custody since 30.09.2021. He further submits that though charges have been framed but no prosecution witness has been examined.

Learned State counsel on instructions from ASI Rajwinder Singh opposes the prayer of the petitioner on the ground that he is involved in three more FIRs registered against him, out of which, in two he has been convicted and one is pending. It is also submitted that the *danda* was recovered from him. He however, is unable to controvert the factum of petitioner having been nominated in this case on the basis of the disclosure statement of the co-accused, as also the fact that he is in custody since 30.09.2021. He also submits that two witnesses have been examined out of 35 prosecution witnesses.

In rebuttal, learned counsel for the petitioner submits that in all of the aforesaid three FIRs, the petitioner is already on bail.

I have heard learned counsel for the parties.

While considering the facts and circumstances of the case that the petitioner was not named in the FIR; he has been nominated in this case on basis of a disclosure statement of a co-accused, who is still in custody; no specific injury has been attributed to him; he is in custody more than 11 months; though charges have been framed but out of 35 witnesses, only 02 have been examined; the trial is likely to take time; in all the three FIRs registered against the petitioner, he is on bail and his further detention behind the bars in this case would not serve any useful purpose, thus, 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 however 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.

September 19, 2022

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(AMAN CHAUDHARY)

JUDGE

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