

CRM-M-31588-2022

:1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

244

CRM-M-31588-2022

Date of Decision: October 21, 2022

MOHIT ALIAS ROHIT

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Sansar Kundu, Advocate
for the petitioner.

Ms. Aditi Girdhar, 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.270 dated 23.09.2021, under Sections 148, 149, 225, 307, 120-B of IPC, Section 25-54-59 of Arms Act, , registered at Police Station Civil Line, District Jind (Annexure P-1).

Learned counsel contends that petitioner is not named in the FIR and it is only on account of a disclosure statement made by co-accused Pardeep that his name surfaced in the case. He submits that he has no concern with the alleged incident and has been in custody since 24.09.2021. He submits that challan has since been presented. Though the charges have been framed but out of total 28 witnesses, none has been examined yet and there is no other case against the petitioner.

Per contra learned State counsel on instructions from ASI

Dinesh Kumar opposes the bail on account of the fact that he was part of the

conspiracy. She is however, unable to dispute the fact that his name is surfaced based on disclosure statement and that he has been in custody since 24.09.2021 and that none of the witnesses have yet been examined.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case particularly the fact that the investigation has since been completed; charges framed; none of the witnesses have yet been examined; petitioner has been in custody since 24.09.2021, 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 her 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, she is an accused, or for commission of which she 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 her 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.

October 21, 2022
rimpal

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No