

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

CRM-M-33254-2022
Date of Decision: 30.11.2022

ABHISHEK ALIAS ABHI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Veneet Sharma, Advocate
for Mr. Deepak Aggarwal, Advocate
for the petitioner.

Mr. Ram Kumar Singla, D.A.G., Haryana.

HARSH BUNGER, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to petitioner namely, Abhishek alias Abhi, in case FIR No.395 dated 19.11.2021 registered under Sections 148, 149, 307, 201, 204, 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Ganaur, District Sonapat.

Learned counsel for the petitioner has submitted that no role has been attributed to the petitioner in the FIR in question and he has falsely been implicated in the case being a brother of co-accused-Ashwani, with whom the complainant does not have cordial relations. It is submitted that even as per the prosecution version, only '*lalkara*' has been attributed to the petitioner. The petitioner is in custody since 21.11.2021. It is submitted that the challan has already been filed in this case and even the charges have

been framed. It is submitted that the trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars any further. It is submitted that the learned Additional Sessions Judge, Sonipat has wrongly dismissed the bail application of the petitioner. Hence, the present petition.

On advance service of copy of the petition, Mr. Amrik Narwal, Deputy Advocate General, Haryana, appears and accepts notice on behalf of the State. He opposes the bail plea of the petitioner in terms of status report filed in this Court by way of affidavit of Sh. Atma Ram, HPS, Deputy Superintendent of Police, Ganaur, Sonipat (Haryana), which is taken on record, subject to all just exceptions. It is submitted that if the petitioner is released on bail, there is every likelihood that he may abscond, influence and threaten the complainant and the witnesses.

I have heard learned counsel for the parties and have gone through the relevant record.

The object of bail is to secure the attendance of the accused at the trial and is not to be withheld as a punishment. The possibility of evidence being tempered or the witnesses being influenced has also to be kept in perspective.

The petitioner in this case is a young boy of around 20 years of age at the cross roads of his career building stage and is behind the bars for the last more than one year. In the FIR, no overt act / role has been attributed to the petitioner, although as per the reply filed by way of affidavit of Sh. Atma Ram, Deputy Superintendent of Police, Ganaur, Sonipat (Haryana), only a '*lalkara*' has been attributed to him that too has yet to be

proved by evidence; however it is stated in the said affidavit that there is no other case against the petitioner. The fire of the gunshot is not attributed to the petitioner, hence invoking of Section 307 IPC against him would be a debatable question. The challan has already been presented in the Court on 15.02.2022 and even the charges have been framed on 04.07.2022. Thus, custodial interrogation of the petitioner is not required. There are total 33 prosecution witnesses; however no one has been examined till date. No useful purpose would be served by keeping the petitioner behind the bars. The apprehension expressed that the witnesses may be influenced can be duly looked into by imposing adequate conditions.

Considering the facts and circumstances, the petitioner is admitted to regular bail subject to his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case and also subject to the following conditions: -

- (i) The petitioner shall not leave India without the prior permission of the concerned trial Court;**
- (ii) The petitioner shall not indulge in any criminal activity or any illegal activities during the bail period;**
- (iii) The petitioner shall not communicate with, or come into contact with the prosecution witnesses, or any member of the victim's family, or tamper with the evidence of the case.**

At the time of release of the petitioner, Station House Officer, Police Station Panipat shall be informed. The petitioner shall furnish his mobile number to the SHO and shall keep his mobile's location on till the

conclusion of the trial. He shall also appear in the police station on every Monday till the conclusion of the trial.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of any opinion on the merits of the case.

November 30, 2022
gurpreet

(HARSH BUNGER)
JUDGE

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