

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

206

CRM-M-40045-2022 (O&M)
Date of decision: 28.10.2022

NITUN

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Tanuj Sharma, 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.670 dated 18.09.2021, under Sections 307, 324, 452 and 506 registered at Police Station Rohtak City, District Rohtak.

Learned counsel contends that the petitioner has been in custody since 19.09.2021 and the statements of material witnesses have been recorded including that of the complainant, eye-witness and the injured, who have not supported the prosecution version. He further submits that as a matter of fact, the petitioner, who is the brother-in-law of the injured, was not even present at the time of the incident, has been falsely implicated and that the report of the FSL is also inconclusive. He further submits that in the cross-examination correct version had come out with regard to injury received by the victim. He further submits that there are 14 witnesses out of whom only 05 witnesses have been examined.

Contrarily, learned State counsel opposes the bail on the ground that there is no delay in the lodging of the FIR and there is no ground for false implication of the petitioner, however, he is unable to controvert that the petitioner has been in custody since 19.09.2021 and the witnesses have not supported the prosecution version. He further submits that the next date of hearing before the trial Court is 06.01.2023.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 19.09.2021; material witnesses have been examined and not supported the version of the prosecution; there are 10 more witnesses who are yet to be examined and thus trial is likely to take considerable time, 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 28, 2022
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No