

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

CRM-M-40336-2022

Date of Decision: September 09, 2022

Pardeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Amit Sharma, Advocate for the petitioner.

Mr. Gaurav Bansal, 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.0064 dated 27.01.2022 under Sections 379 and 411 of IPC, registered at Police Station City Hansi, District Hisar.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and he was arrested during investigation on account of the CCTV footage. He further submits that recovery has been effected from the petitioner and he is in custody since 09.02.2022. It is also submitted that it is a magisterial trial, which is likely to take time and maximum punishment of the offences in question is three years and has already undergone seven months.

Learned State counsel opposes the bail petition on the ground that the petitioner had been identified in the CCTV footage and recovery has been effected from him. However, he is unable to the factum of the custody of seven months.

On a query by this Court, learned State counsel submits that charges in the present case have been framed and out of 11 prosecution witnesses, 05 have been examined.

Learned counsel for the petitioner in rebuttal further submits that the material witnesses, who are complainant and his wife have since been examined as is evident from the zimni order dated 01.08.2022 passed by the trial Court.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case and the fact that the material witnesses have since been examined; petitioner is in custody for the last seven months and the trial is likely to take some time and his further detention behind the bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Accordingly, 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.”

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made above, which have only been made for the purpose of adjudicating the present petition for grant of regular bail.

September 09, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

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