

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

Sr. No.215

CRM-M-42451-2022

Date of decision : 20.9.2022

Govind

.....Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Ramnish Puri, Advocate for the petitioner

Mr.Rahul Mohan, DAG, Haryana

AMAN CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.13, dated 21.1.2022, registered under Sections 302, 323, 325, 148, 149, 506 IPC at Police Station Pillu Khera, District Jind.

Learned counsel for the petitioner submits that though, the petitioner has been named in the FIR, however, there is no attribution of any injury on the person of the deceased by him. As per the FIR, the petitioner has been alleged to have given Soti/lathi blow to Sonu. He further submits that though, the attribution in the FIR of blows given to Sonu are 3, however, there is only one injury found on the person of the injured, which is simple in nature as per the MLR of the injured. He further submits that the petitioner has been in custody since 7.2.2022. No recovery is to be effected from the petitioner and he is not involved in any other FIR. The charges have been framed, however, no witness has since been examined. He further submits that there are total 9 persons against whom

the allegations had been made, however, out of which 5 persons have been declared innocent.

Per contra, learned counsel for the State opposes the prayer of the petitioner on the ground that the petitioner was a part of an unlawful assembly and the common object of them was to cause the injuries to the complainant party. However, he is unable to controvert the fact of attribution of the injuries to the petitioner, charges have been framed but the trial is yet to commence as also the petitioner being in custody since 7.2.2022. He further submits that there are total 27 PWs and now the case is listed for 3.11.2022 for which 3 PWs have been called.

Heard the learned counsel for the parties.

Considering the peculiar facts and circumstances of the case and the fact that the though, the petitioner has been named in the FIR, but there is no attribution of any injury on his part to the deceased; he is in custody since 7.2.2022; the charges have been framed, but the trial is yet to commence; as also the fact that the petitioner is stated to be not involved in any other case, 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 pressurise/ 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, inducement, 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.

20.9.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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