

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-42942 of 2022

Date of Decision: December 21, 2022

Adesh Pal Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Sandeep Gors, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

AMAN CHAUDHARY, J.

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.148 dated 16.04.2022, under Sections 392, 397, 506 and 120-B IPC and Section 25 of Arms Act, registered at Police Station Cheeka, District Kaithal, Haryana.

Learned counsel contends that petitioner was not named in the FIR and his name surfaced based on disclosure statement of co-accused. He submits that he was not present at the spot at the time of alleged occurrence. He submits that the complainant in this case had also lodged the FIR No.159, dated 11.06.2021, under Section 379-A, alleging a similar kind of offence, wherein allegedly Rs.9,80,000/- were robbed of the complainant was found to be false. He further refers to Annexure P-11 to submit that in the said FIR, complainant was himself involved and charges against him were framed under Sections 177, 406, 420 read with Section 120-B IPC, vide order dated 10.05.2022 by the trial Court.

It is his further submission that petitioner has been in custody since 04.05.2022.

Though challan has been presented, however, charges have not yet been framed and in all there are 23 prosecution witnesses. Co-accused Jarnial Singh @ Jelly who had been in custody of four months, has already been granted bail by this Court vide order dated 16.09.2022 in CRM-M-39183 of 2022 titled “Jarnial Singh @ Jelly Vs. State of Haryana”, to whom he is similarly placed.

Learned State counsel opposes the prayer of the petitioner on the ground that he is the main conspirator and ATM card of the petitioner was found from the spot. However, he is unable to controvert the submissions as raised by learned counsel for the petitioner.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 04.05.2022; co-accused has been granted bail; charges are yet to be framed and in all there are 23 prosecution witnesses; the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose thus, the present petition for grant of regular bail deserves to be allowed.

Resultantly, 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. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the appellant seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified 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.

December 21, 2022
rimpal

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No