

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

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CRM-M-44356 of 2022

Date of Decision: September 29, 2022

Sunny Chauhan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ramesh Chahal, Advocate
for the petitioner.

Mr. Manipal Atwal, DAG, Punjab.

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.388 dated 11.10.2021, under Sections 323, 324, 452, 506 and 34 IPC, (Sections 302 IPC and 25/54/59 of Arms Act added lateron) registered at Police Station Narwana Sadar, District Jind.

Learned counsel for the petitioner contends that though the petitioner has been named in the FIR, however, no overt act has been attributed to him. It is co-accused Gobind who had allegedly stabbed Satish (since deceased). He submits that petitioner has been in custody since 12.10.2021. He further submits that the eye witness and the complainant both have since been examined. He also claims parity with co-accused Monu who has since been granted regular bail by this Court vide order dated 05.09.2022 (Annexure P-2).

Learned State counsel on the other hand opposes the bail on the ground that it was the petitioner who had with premeditated mind

participated in taking the main accused along with him to the place of occurrence. He however, is unable to controvert the fact that the eye witness and complainant stand examined.

I have heard learned counsel for the parties.

While considering the facts and circumstances of the case particularly that no overt act has been attributed to the petitioner in so far as injuries caused are concerned; he has been in custody from 12.10.2021; co-accused has already been granted regular bail by this Court; trial is likely to take some 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.

September 29, 2022
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(AMAN CHAUDHARY)
JUDGE

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