

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

209/2

CRM-M-44437-2022 (O&M)

Date of decision: 17.11.2022

ROHIT @ FIRANGI

....Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Saleem Ahmed, 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.364 dated 21.10.2021, under Sections 302 and 34 of the IPC registered at Police Station Sector 31, Faridabad, District Faridabad.

Learned counsel contends that the main allegation of having caught hold the deceased from the neck and hit his head on the wall is against the co-accused Balram and not against the present petitioner. He is in custody since 06.11.2021. He further submits that the complainant has not supported the case of the prosecution, regarding which he makes reference to his statement made during trial Annexure P-2. He further submits that there is no other criminal case registered against the petitioner and only 03 out of 20 prosecution witnesses have been examined. The next date of hearing before the trial Court is 21.02.2023.

Contrarily, learned State counsel opposes the bail on the ground that the petitioner was accompanying co-accused Balram, to whom attribution in the FIR has been made of the injury caused to the deceased, and that the petitioner

was present at the spot and that he had also allegedly given beatings. He is, however, unable to controvert the fact that the petitioner is in custody since 06.11.2021, out of 20 witnesses only 03 witnesses have been examined and that there is no other case against the petitioner.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that there is no other case against the petitioner; petitioner is in custody since 06.11.2021; out of 20 witnesses only 03 have been examined so far; 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.

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.
8. 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 petitioner 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.

9. 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 breach 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, this Court makes it 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.

(AMAN CHAUDHARY)
JUDGE

November 17, 2022

S.Sharma(syr)

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