

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-44714-2022 (O&M)

Date of decision: 22.11.2022

NEPAL SINGH @ JONY

....Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Akshay Jindal, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG Haryana.

Mr. Keshav Partap Singh, Advocate
for the complainant.

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.547 dated 22.07.2022, under Sections 120-B, 193, 420, 467, 468, 471 and 506 of the IPC registered at Police Station Civil Lines Karnal, District Karnal.

Learned counsel contends that there is no allegation in the FIR that the petitioner had got the signatures on the writing, which though is undated, however, which records that no panchayat had taken place on 11.02.2022. He submits that the challan in the present case is already complete and the petitioner is in custody since 08.08.2022 and charges are yet to be framed. There are 17 witnesses in all to be examined

Contrarily, learned State counsel has opposed the bail on the ground that the allegations against the petitioner are serious, however, he is unable to

controvert the fact that the petitioner is in custody since 08.08.2022, challan has been presented; charges are yet to be framed and in all there are 17 witnesses to be examined.

Learned counsel for the complainant has vehemently opposed the bail on the ground that the petitioner was instrumental in getting the signatures in the said writing.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 08.08.2022; challan has been presented and charges are yet to be framed; there are 17 witnesses to be examined; 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 22, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>