

CRM-M-46034-2022

:1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-46034-2022

Date of Decision: November 18, 2022

Chanchal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Chirag Kundu, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Sanyam Khetarpal, Advocate
for the complainant.

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.17 dated 14.02.2021, under Sections 148, 149, 302 IPC and Section 25 of Arms Act (Section 365 and 342 IPC added lateron), registered at Police Station Hassanpur, District Palwal.

Learned counsel contends that the petitioner was not named in the FIR. His name has surfaced on basis of a disclosure statement made by a co-accused-Zile Singh, as per which also the allegations against the petitioner are of having caught hold the deceased. The main role attributed is to the said co-accused, Zile Singh who is in custody. He further submits that during course of the investigation, two witnesses namely Deepak, brother of the complainant and Kunwar Pal, cousin brother of the deceased in their statements recorded under Section 161 Cr.P.C. had also not named the petitioner. The petitioner is a young boy of 24 years who has been in custody since 30.01.2022. It is his further

submission that out of 27 witnesses, none has yet been examined.

Contrarily, learned State counsel has opposed the bail on the ground that the petitioner participated in the commission of the offence. However, she is unable to controvert the fact that petitioner is in custody since 30.01.2022 and none of the witnesses have yet been examined.

Learned counsel for the complainant opposes the bail on the ground that that the material witnesses are yet to be examined

Heard.

In view of the facts and circumstances of the case, in particular that 24 year old petitioner is in custody since 30.01.2022; out of a total of 27 witnesses, none of the witnesses have yet been 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.

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. 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 that 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.

November 18, 2022
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(AMAN CHAUDHARY)
JUDGE

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