

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

106+217

**CRM-M-47070 of 2022
Date of decision: 14.11.2022**

DILBAG AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rajnish K. Gupta, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

Ms. Swati Tiwana, 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 petitioners in respect of FIR No.168 dated 28.07.2022 under Sections 323, 324 and 34 IPC(Section 326 IPC added later on) registered at Police Station Titram, District Kaithal.

Learned counsel for the petitioners contends bone of the contention between the parties who are real brothers, is a joint land for which a civil suit regarding partition, is also pending *inter se* them. He submits that petitioner No.1 was not attributed to any injury and merely shown to carry a dranti, whereas petitioner No.2 has been attributed to danda blow on the legs of the complainant. He further submits that the injury attracting Section 326 IPC has been attributed to co-accused Mohit only, who is also in custody. He further contends that both the petitioners, who are father and son, are in custody since 06.08.2022; no FIR is pending against the petitioners and charges have

been framed, however, none has been examined out of 10 witnesses, despite three dates having been elapsed, as the charges were framed on 14.10.2022, whereafter the case was adjourned to 27.10.2022, 10.11.2022 and now is fixed for 24.11.2022.

Contrarily, learned State counsel has opposed the bail on the ground that the petitioners had participated with the offence and the weapons were recovered from them. However, he is unable to controvert the fact that petitioners are in custody since 06.08.2022 and none of the witnesses have been examined.

Learned counsel for the complainant opposed the grant of bail on the ground that the witnesses are yet to be examined and threats are being given to the complainant on Whatsapp. However, she is unable to controvert the fact that dispute between the parties is for joint land, for which civil suit for partition is also pending.

In rebuttal, learned counsel for the petitioners submits that there has been no threat extended on behalf of the petitioners and there is no such evidence produced before this Court also.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the petitioners are in custody since 06.08.2022; though charges have been framed but no PWs have been examined so far; the trial is likely to take a considerable time, their 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 petitioners are

ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to them not being required in any other case. The petitioners shall abide by the following conditions:-

1. The petitioners will not tamper with the evidence during the trial.
2. The petitioners will not pressurize/ intimidate the prosecution witnesses.
3. The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
5. The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioners shall not in any manner misuse their liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.
8. The petitioners shall furnish their 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 petitioners seek 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 petitioners shall deposit their passport, if any, with the Trial Court forthwith and in case, they do not have the passport, they 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 petitioners by this order.

In view of the above, this Court makes it clarified that the

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 14, 2022
P.Bhatt

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