

**208+117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-47120-2022 (O&M)
Date of Decision: November 11, 2022**

Gul Sanawar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Yashveer Kharb, Advocate
for the petitioner.

Mr. Tanuj Sharma, DAG, 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.513 dated 23.06.2022, under Section 136 of Electricity Act, 2003 read with Section 34 of IPC registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner contends that the initially, the FIR was registered against unknown persons and after investigation an un-traced report dated 28.07.2022 was presented. Thereafter, the name of the petitioner surfaced on basis of a disclosure statement made by co-accused namely, Sunder s/o Kalu Ram, who has been granted bail vide order dated 21.10.2022 by learned trial Court. The petitioner is in custody since 31.08.2022. Charges have been framed however, none out of the 11 witnesses have yet been examined.

Contrarily, learned State counsel has opposed the bail on the ground that the recovery of copper wire has been effected from the petitioner and he is also involved in another similar case. However, he is enable to controvert the fact that the petitioner has been in custody since 31.08.2022, his co-accused who had named him has since been granted regular bail and none of the witnesses out of a

total 11 witnesses have been examined.

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 31.08.2022; co-accused has been granted bail; none of the witnesses have been examined out of a total of 11 witnesses; the trial is likely to take a considerable time; further detention of the petitioner 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 11, 2022
Monika

(AMAN CHAUDHARY)
JUDGE

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