

CRM-M-47614 of 2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-47614 of 2022

Date of Decision: November 16, 2022

Gurmeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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.249 dated 30.06.2022, under Sections 148, 149, 323, 324, 341 and 506 IPC (lateron Section 326 IPC added), registered at Police Station Kalayat, District Kaithal.

Learned counsel for the petitioner contends that no overt act has been attributed to the petitioner who is stated to be 22 years old. He further contends that petitioner has been in custody since 18.08.2022. Challan has already been presented. He further submits that the incident is alleged to have taken place on 28.06.2022, however, the FIR was lodged on 30.06.2022.

Contrarily, learned State counsel opposes the bail on the ground that the complainant is 19 years old and the petitioner along with his co-accused caused injuries to him. However, he is unable to controvert the fact that no injury has been attributed to the petitioner and he has been in custody since 18.08.2022 and challan has since been presented.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that petitioner being a young boy of 22 years who has not been attributed any injury; has been in custody since 18.08.2022; the trial is yet to commence which will take sufficiently long time; his further detention behind bars would not serve any useful purpose, 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 16, 2022
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(AMAN CHAUDHARY)
JUDGE

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