

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

213

CRM-M-48216-2022 (O&M)

Date of decision: 21.10.2022

PARDEEP KUMAR ALIAS CHHOTU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Riffi Bala Birla, Advocate
for the petitioner.

Mr. M.S. Joshi, Additional AG Punjab.

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.0134 dated 22.09.2021 under Sections 302, 323, 506, 148 and 149 of the Indian Penal Code, 1860 (Section 325 IPC added later on) registered at Police Station Bahavwala, District Fazilka.

Learned counsel for the petitioner contends that petitioner is not named in the FIR, wherein 05 persons were named and attributed specific injuries. She further submits that the name of the petitioner has surfaced in the case on the basis of disclosure statement made by co-accused Ashwani Kumar, who is in custody. The injuries on the person of the deceased are attributed to co-accused Narinder Kumar and Surinder Kumar, who are also in custody. The petitioner is in custody since 27.09.2021 and only 02 out of 35 witnesses have been examined. Learned counsel further contends that similarly placed co-accused have been granted regular bail by this Court vide Annexures P-3 and P-4.

Per contra, learned State counsel opposes the prayer, however, he is unable to controvert the fact that the petitioner has not been attributed injury to

the deceased as well as to the injured and that the petitioner has been in custody since 27.09.2021 and two co-accused have already been granted bail.

I have heard learned counsel for the parties.

Considering the facts and circumstances of the case in particular that the petitioner has been nominated as an accused on the disclosure statement by co-accused, who is in custody; no specific injury has been attributed to him; he is stated to be in custody for more than 01 year; similarly placed two co-accused have been granted bail; only 02 witnesses out of 35 witnesses have been examined and that trial is likely to take time his further detention behind the bars would not serve any useful purpose, 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.”*

In view of the above, this Court makes it clear 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

October 21, 2022

S.Sharma(syr)

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