

CRM-42143-2022 in/and  
CRM-M-47971-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

108+219

CRM-42143-2022 in/and  
CRM-M-47971-2022

Date of Decision: November 21, 2022

Sita Ram

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

**Present:-** Mr. Mukesh Mehra, Advocate  
for the petitioner.

Mr. Rajeev Anand, APP, UT, Chandigarh.

**AMAN CHAUDHARY, J.**

**CRM-42143-2022**

Application is allowed as prayed for.

Annexure A-1 annexed with the application is taken on record.

**CRM-M-47971-2022**

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.129 dated 17.06.2019, under Sections 302 and 34 IPC, registered at Police Station IT Park, Chandigarh.

Learned counsel contends that petitioner is 67 old has been in custody since 17.06.2019. He relies on orders passed by this Court whereby regular bail has been granted vide order dated 6.09.2022 to his wife who was co-accused in the case on the ground of he being senior citizen aged 65 years in view of the mandate of Hon'ble the Supreme Court of India vide order dated 24.04.2015, passed in WP(C)-406-2013. He submits that he is similarly placed to the aforesaid co-accused. He submits that challan was filed on 13.09.2019, whereafter charges

were framed on 21.01.2022 and out of 35 witnesses, 5 have been examined and 2 have been given up. He further submits that petitioner is not involved in any other case.

Learned Additional PP for UT opposes the bail on the ground that the allegations against the petitioner are serious. He is, however, unable to controvert the fact that petitioner is in custody since 17.06.2019 and that out of 36 witnesses 5 have been examined and 2 were given up.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the Petitioner who is 67 years old has been in custody since 17.06.2019; co-accused has already been granted bail by this Court vide order dated 06.09.2022; out of 36 witnesses 5 have been examined, thus the trial is likely to take a considerable 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 21, 2022  
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(AMAN CHAUDHARY)  
JUDGE

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