

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

212

**CRM-M-48172-2022 (O&M)
Date of decision: 21.10.2022**

MANDEEP ALIAS NIHANGA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ramesh Chahal Advocate
for the petitioner.

Ms. Aditi Girdhar, 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.388 dated 11.10.2021 under Sections 323, 324, 452, 506 and 34 of the Indian Penal Code, 1860 (Section 302 IPC and Section 25/54/59 of the Arms Act added later on), registered at Police Station Narwana Sadar, District Jind.

Learned counsel for the petitioner contends that though the petitioner has been named in the FIR, but no overt act has been attributed to him. He submits that injuries have been attributed to co-accused Gobind, who is in custody. The petitioner is stated to be in custody since 19.10.2021 and the complainant has since been examined. He further submits that two similarly placed co-accused have already been granted bail by this Court vide order dated 05.09.2022 in CRM-M-37701-2022 and vide order dated 29.09.2022 in CRM-M-44356-2022.

Learned State counsel on the other hand has opposed the bail on the ground that petitioner had participated in taking the main accused along with him

on the place of occurrence. She is unable to controvert the fact that complainant stands examined and there are 24 witnesses in all and that the petitioner has been in custody since 19.10.2021.

I have heard learned counsel for the parties.

While considering the fact and circumstances of the case, particularly that no overt act has been attributed to the petitioner as regards the injuries in the case are concerned; the petitioner is in custody since 19.10.2022; the complainant has already been examined; two similarly placed co-accused have been granted regular bail and trial is likely to take time his further detention behind the bars would not serve any useful purpose.

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