

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

Sr. No.210

CRM-M-50282-2022

Date of decision : 15.11.2022

Gurnam Singh

.....Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Balraj Gujjar, Advocate for
Mr.Anubhav Siwach, Advocate for the petitioner

Mr.Tanuj Sharma, AAG, Haryana

AMAN CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.263, dated 2.8.2022, registered under Sections 384 & 120-B of IPC at Police Station Mullana, District Ambala.

Learned counsel submits that the petitioner has been falsely implicated in the present, he did not blackmail the family of the complainant. The amount allegedly received by him has already been recovered as has been recorded by the learned Sessions Judge in his order dated 4.10.2022. He further submits that the petitioner has been in custody since 4.8.2022 and is not involved in any other FIR. He further submits that the offences are triable by Magistrate. Challan has been presented and nothing is to be recovered from the petitioner. He places reliance on the order dated 29.10.2022 passed in CRM-M-48495-2022.

Contrarily, learned State counsel opposes the prayer of the petitioner on the ground that the allegations against the petitioner are serious in nature, though he is unable to controvert the fact that the alleged recovery has already been effected from the petitioner. He further informs that the challan stands presented and now the case is fixed for framing of

charges on 17.11.2022.

Heard the learned counsel for the parties.

Considering the facts and circumstances of the case particularly that the petitioner is in custody since 4.8.2022; he is not involved in any other case; the offences are triable by Magistrate; though challan stands presented but the charges are yet to be framed, thus, further detention of the petitioner 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 pressurise/ 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 surrender his passport, if any, and will not leave the country without the permission of the Trial Court.
5. 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.
6. The petitioner shall not directly or indirectly coerce, inducement, 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.
7. The petitioner shall not in any manner misuse his liberty.
8. Any infraction shall entail in withdrawal of the benefit granted by this Court.
9. The petitioner will furnish correct mobile number and residential address and shall not change the same without prior intimation to the trial Court.

It is further clarified that if the petitioner does not abide by the aforesaid conditions, the State would be at liberty to seek cancellation of his bail.

Nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made above, which have only been made for the purpose of adjudicating the present petition for grant of regular bail.

15.11.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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