

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

Sr. No.210

CRM-M-51316-2022

Date of decision : 8.12.2022

Devi Ram

.....Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.RK Agnihotri, 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 the grant of regular bail to the petitioner in respect of FIR No.884 dated 19.9.2022 under Section 25 of the Arms Act at Police Station Sadar Karnal, District Karnal.

Learned counsel submits that the petitioner, who is 58 years old, is in custody since 19.9.2022. He has been falsely implicated in the present case. He submits that the challan stands presented, however, the charges are yet to be framed. There are a total of 9 prosecution witnesses and the trial is yet to commence, therefore, no useful purpose would be served to keep the petitioner behind bars.

Learned State counsel opposes the bail petition on the ground that the petitioner was apprehended at the spot with the weapon. However, he is unable to controvert the fact that the petitioner is in custody since 19.9.2022, challan has been presented, charges have not been framed and there are a total of 9 PWs. He further submits that the petitioner is involved in five more cases.

In rebuttal, learned counsel for the petitioner submits that out of five cases, only one case, except the present case, is pending, which is also under Excise Act.

Heard.

Keeping in view the facts and circumstances of the case particularly that the petitioner, who is 58 years old, is in custody since 19.9.2022; though challan has been presented but charges charges have not been framed as yet; there are a total of 9 PWs; conclusion of the trial will take a considerable time, his further detention behind the bars would not serve any useful purpose, thus, 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 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, she 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. 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 made clear that in case of any infraction of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

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.

8.12.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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