

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

257

CRM-M-53966-2022 (O&M)
Date of decision: 02.12.2022

ROHIT @ KANCHA

....Petitioner

Versus

STATE OF UT (CHANDIGARH)

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. M.S. Gujral, Advocate,
for the petitioner.

Mr. A.M. Punchhi, Advocate
for UT Chandigarh.

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.42 dated 22.03.2022, under Sections 147, 148, 149, 341, 323, 307 and 506 IPC (Section 25 of the Arms Act 1959 added later on) registered at Police Station Mauli Jagran, District Chandigarh.

Learned counsel for the petitioner contends that there is no specific role attributed to the petitioner in the FIR. The injury on the person of the victim, which falls under Section 307 IPC, is attributed to co-accused Karan, who is in custody. He submits that though knife has been recovered from him, however, no injury has been attributed to him. Learned counsel further submits that the petitioner is in custody since 06.04.2022, challan has been filed on 16.06.2022, however, charges have not yet been framed and in all there are 15 witnesses. He further submits that co-accused namely Monu @ Mona has been granted regular bail by this Court vide order dated 26.08.2022, Annexure P-3.

Learned Public Prosecutor opposes the bail on the ground that the petitioner was present at the spot, participated in the occurrence and a knife has been recovered from him. He is, however, unable to controvert the fact that the petitioner is in custody since 06.04.2022; challan has been filed; charges have not been framed; in all there are 15 witnesses and that the co-accused has been granted bail by this Court. He however submits that in the order that has been relied upon of the co-accused, it has been mentioned that offence under Section 307 IPC has been attributed to Kancha, however, the same has been attributed to Karan.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 06.04.2022; co-accused has been granted bail by this Court; challan has been filed; charges have not been framed; in all there are 15 witnesses; the trial is likely to take a considerable time, his further detention behind 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 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 this 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.

(AMAN CHAUDHARY)
JUDGE

December 02, 2022

S.Sharma(syr)

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