

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

106+214

CRM-M-200-2023 (O&M)

Date of decision: 16.05.2023

Manjeet @ Situ and another

....Petitioners

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aditya Sanghi, Advocate for the petitioners

Mr. Praveen Bhadu, AAG Haryana

AMAN CHAUDHARY. J.

CRM-20841-2023

For the reasons stated in the application, same is allowed. Annexure P-10 is taken on record subject to all just exceptions.

CRM-M-200-2023

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in case FIR No.354 dated 31.03.2022, registered under Sections 307, 387, 452, 506, 34, 398 of IPC and Section 25 of the Arms Act at Police Station Barwala, District Hisar.
2. Learned counsel contends that the petitioners are in custody for the last 1 year 15 days. The shots that were allegedly fired, caused no injury to the complainant or anyone else. Charges have not been framed under the Arms Act. Complainant has been examined, however, there are 13 more prosecution witnesses remain.
3. Learned State counsel opposes the bail on the ground that there is

allegation against the petitioners of having participated in the crime and that there are 3 more cases registered against the petitioners. He is however unable to controvert the submissions regarding the custody, stage of trial and the complainant having been examined.

4. In rebuttal to the submissions regarding other cases registered against the petitioners, learned counsel relies on the judgment of Hon'ble The Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

5. Heard.

6. Hon'ble The Supreme Court of India in the case of **Maulana Mohd. Amir Rashadi** (*Supra*) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc".

7. In view of the afore-referred judgment and facts and circumstances of the case, in particular that the petitioners are in custody for the last 1 year and 15 days; complainant stands examined; 13 of total 18 prosecution witnesses are yet to be examined, the trial is likely to take a considerable time, their further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

8. As a result, the present petition is allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to they not being required in any other case. The petitioners shall abide by the following

conditions:-

1. The petitioners will not tamper with the evidence during the trial.
 2. The petitioners will not pressurize/intimidate the prosecution witnesses.
 3. The petitioners will appear before the trial Court on each and every date fixed, unless are exempted by a specific order of Court.
 4. The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
 5. The petitioners 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 petitioners shall not in any manner misuse their liberty.
 7. The petitioners shall furnish their 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 petitioners seek 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.
 8. The petitioners shall deposit their passport, if any, with the Trial Court forthwith and in case, they do not have the passport, they shall furnish a specific affidavit in this regard.
9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.
10. In view of the above, it is 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

16.05.2023

S.Sharma(syr)

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