

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

224+107

CRM-M-251-2023 (O&M)  
Date of decision: 23.02.2023

ANJUM

....Petitioner(s)

**Versus**

STATE OF HARYANA

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Gautam Dutt, Advocate  
for the petitioner.

Mr. Tanuj Sharma, AAG Haryana.

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**AMAN CHAUDHARY. J.**

**CRM-9070-2023**

For the reasons mentioned in the application, same is allowed.

Annexure A-6 is taken on record, subject to all just exceptions.

**CRM-M-38191-2022**

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.0112 dated 10.04.2022, under Sections 279, 304-A, 337 IPC (Section 304, 120-B IPC and Section 3/5(17) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015 added lateon and Sections 279, 337, 304-A IPC deleted during investigation) registered at Police Station Sadar Palwal, District Palwal.

Learned counsel contends that the petitioner is in custody since 13.04.2022. At the first instance, the FIR was lodged under Sections 279, 304-A, 337 IPC. It is only on the basis of statement suffered by Sonu, Sections 304, 120-

B IPC and Section 3/5(17) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015 were added, while deleting the sections under which the FIR was initially lodged. He submits that the aforesaid person Sonu had got even previously lodged an FIR against the petitioner on 13.10.2021, wherein, he had falsely implicated him and as per instructions received from the petitioner by the learned counsel, he has been declared innocent in the said case. In the present case, it is upon the petitioner having been arrested that the police have falsely shown the recovery of vehicle in question from his house, even though the petitioner being not the owner of it. Co-accused Rukmuddin and Hakam were already granted regular bail by the learned trial Court and the co-accused Sajid was granted interim anticipatory bail by this Court vide order dated 23.11.2022. Besides the present and the aforesaid FIR, the petitioner is not involved in any other case. Though, charges have been framed in this case, however, none out of 27 prosecution witnesses has yet been examined.

Learned State counsel opposes the bail on the ground that the petitioner was the driver of the offending vehicle and his name surfaced based on the statement of eye-witness Sonu. The vehicle in question was got recovered on the disclosure statement of the petitioner. He is however unable to controvert the submissions made by learned counsel for the petitioner, with regard to the custody, stage of trial and that he is involved in no other case, except the present case and the one lodged by the alleged eye-witness Sonu.

Heard.

In view of the facts and circumstances of the case, in particular that the he is in custody since 13.04.2022; co-accused Rukmuddin, Hakam and Sajid were already granted bail; charges have already been framed, however, none out

of the 27 prosecution witnesses has yet been examined, 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. 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.
8. 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 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 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

February 23, 2023

M.Kamra

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