

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

218-1

CRM-M-3733-2022(O&M)
Date of decision: 04.10.2023

Monu @ Mohan Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Mikhail Kad, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.189 dated 31.08.2019, registered under Sections 308, 148, 149 IPC, at Police Station City Sangrur (challan was presented under Section 308, 323, 201, 148, 149 and 120-B IPC and later on offence under Section 308, 201 IPC were deleted and supplementary challan has been presented under Sections 302, 323, 120-B, 148 and 149 IPC).

2. Learned counsel contends that the petitioner has been in custody for 2 years and about 10 months. His name had been surfaced only in a supplementary statement recorded on the next day of the incident. Initially, the FIR was registered under Section 308 IPC and he was granted regular bail by this Court vide order dated 27.02.2020 whereafter Section 302 IPC was added on 02.09.2020 and he was arrested on 22.03.2021 and has since been in custody. As per the allegations, injury No.2 which is abrasion has been attributed to him. Complainant

stands examined, besides that 3 prosecution witnesses have been given up and in all there are 32. He is not involved in any other case.

3. The custody certificate dated 04.10.2023, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 2 years, 9 months and 23 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations of petitioner having actively participated in the commission of the offence. He is however unable to controvert the submissions made regarding the stage of the trial, petitioner not being involved in any other case and he had earlier been granted regular bail by this Court.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 2 years, 9 months and 23 days; not involved in any other case; had been enlarged on regular bail in the present FIR; there are a total of 32 prosecution witnesses, out of whom complainant has been examined; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. 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 his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.

- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) 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.
- (v) 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.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) 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.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. 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.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

04.10.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No