

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

[Sr. No.215]

CRM-M-4464-2023

Date of decision : 03.02.2023

Inam

.....Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sunny Tyagi, Advocate for the petitioner.

Ms. Aditi Girdhar, 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.0427 dated 25.07.2022 (Annexure P-1) for offence punishable under Sections 342, 379-B and 34 of Indian Penal Code, 1860 as well as Section 25 of the Arms Act, 1959 (Section 120-B, 201, 397 of IPC and Section 29 of the Arms Act added later on in challan) registered at Police Station Tehsil Camp Panipat, District Panipat.

Learned counsel contends that the petitioner is in custody since 05.09.2022 and the challan has been presented on 28.10.2022, charges are yet to be framed and there are total 26 prosecution witnesses which are to be examined. He further contends that co-accused named Ashok Kumar had been granted regular bail by the learned trial Court vide order dated 14.11.2022 and co-accused named Sandeep Kumar has also been granted regular bail by this Court vide order dated 16.01.2023 (Annexure P-3). He also submits that the matter has otherwise been compromised between the complainant and the co-accused Sandeep Kumar. Moreover, recovery of

Rs.6,000/- as well as two gold rings and another jewellery item have also been effected from the co-accused Sandeep Kumar.

Learned State counsel opposes the bail on the ground that it is a case of common intention as he introduced the co-accused Sandeep Kumar with other co-accused namely Kapil, Pankaj and Sompal and he was in regular touch with the said co-accused Sandeep Kumar on mobile. However, he is unable to controvert the submissions made by learned counsel for the petitioner.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 05.09.2022; challan stands presented on 28.10.2022; the charges are yet to be framed and there are a total of 26 prosecution witnesses in the case as well as the fact that other two co-accused have already been granted bail; 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 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.

03.02.2023
ANJAL

(AMAN CHAUDHARY)
JUDGE

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