

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-5531-2022

Date of decision: 20.03.2023

SUNIL @ KALA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Abhimanyu Balyan, Advocate and
Mr. Prashish Kanwar Sharma, Advocate
for the petitioner.

Mr. Dhruv Sihag, 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. 214 dated 15.09.2021 under Sections 302, 202 read with Section 34 IPC registered at Police Station Garhi, District Jind.

Learned counsel contends that the petitioner has been in custody for the last 1 year and 6 months having been arrested on 21.09.2021. Initially the FIR was got registered by the maternal uncle of the deceased under Section 304-A and 279 IPC against unknown persons. However, it is based on his supplementary statement that Section 302 IPC was added. The mother of the deceased is not cited as a witness and has also filed a claim petition before the Motor Accidents Claims Tribunal which shows it is a case of accident, which was the first version of the complainant also. It is a case of false implication. The material witnesses including the complainant stand examined and in all, there are 26 prosecution

witnesses. He is not involved in any other case under the IPC.

Learned State counsel opposes the bail on the ground that it is on account of the alleged involvement of the sister of the petitioner with the deceased that the commission of offence had taken place. However, he is unable to controvert the other submissions with regard to custody, the material witnesses including the complainant have been examined, stage of the trial and the petitioner being not involved in any other case under the IPC except there is a case under the Excise Act.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody for the last 1 year and 6 months. He is not involved in any other case under the IPC; in all, there are 26 prosecution witnesses and the complainant stands 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 clear that in case of any infraction 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

20.03.2023
Mehak

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