

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

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CRM-M-4939-2023 (O&M)

Date of decision: 28.03.2023

GULAB SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

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

Present : Mr. Raj Kapoor Malik, 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.224 dated 20.11.2021, (Annexure P-1) under Sections 148, 149, 323, 341, 506 of the IPC (Sections 325, 302 IPC added later on) registered at Police Station Titram, District Kaithal.

Learned counsel contends that the petitioner has been in custody for the last 1 year and 4 months having been arrested on 23.11.2021. No overt act has been attributed to the petitioner in the FIR. Even in the statements of injured and eye-witnesses, including that of the complainant, there is no specific role attributed to the petitioner. However, PW-4 Aman, who has attributed a gandasi blow to the petitioner to the deceased is incorrect inasmuch as per the statements of the other witnesses, Aman and Rinku came to the spot subsequently and took the injured to the hospital. Co-accused Jaswinder @ Jassu, Sailender Singh @ Surender, Mahender and Subhash @ Subhash Singh, who were attributed the injuries have been granted bail by this Court on the ground that there is no attribution to them of having caused injury to the deceased as is the case of the

petitioner. He is not involved in any other case. Material witnesses have been examined and in all there are 21 PWs.

Learned State counsel opposes the bail on the ground that he was named in the FIR and PW-4 Aman has attributed specific injury to him. He is however unable to controvert the submissions with regard to custody, stage of trial, similarly situated co-accused have been granted bail and petitioner being not involved in any other case and material witnesses stand examined.

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 4 months; co-accused have been granted bail by this Court; petitioner is not involved in any other case; material witnesses have been examined and there are 21 PWs who remain to be 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

March 28, 2023

S.Sharma(syr)

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