

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-5241-2023 (O&M)

Date of decision: 11.04.2023

SANDEEP @ VISHAL AND ANOTHER

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sushil Kumar Verma, 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.497 dated 26.09.2022, under Section 397A of IPC, registered at Police Station Sadar Sirsa, District Sirsa.

Learned counsel contends that the petitioners aged 19 and 22 years respectively, are in custody for the last 6 months. The recovery of the mobile phone allegedly snatched has been effected from petitioner No.1 and the motor-cycle from petitioner No.2. Charges have been framed on 13.01.2022, however, none out of 7 witnesses have been examined and the next date of hearing is 10.07.2023.

Learned State counsel has produced the custody certificates dated 10.04.2023, which is taken on record, as per the same the custody of the petitioners is 6 months and 02 days. He opposes the bail on the ground that the petitioners are involved in one more case and the recovery was effected from them in the present case. He is however unable to controvert the submissions with

regard to stage of trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioners are in custody for the last 6 months and 02 days; though the charges have been framed, however, no prosecution witness has yet been examined, the trial is likely to take a considerable time, their further detention behind bars would not serve any useful purpose, thus the present petitions for grant of regular bail deserves to be allowed.

As a result, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to them not being required in any other case. The petitioners shall abide by the following conditions:-

1. The petitioners will not tamper with the evidence during the trial.
2. The petitioners will not pressurize/ intimidate the prosecution witnesses.
3. The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
5. The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioners shall not in any manner misuse his liberty.
7. The petitioners shall furnish their 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 petitioners seek 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 petitioners shall deposit their passport, if any, with the Trial Court forthwith and in case, they do not have the passport, they 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 petitioners 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

April 11, 2023

M.Kamra

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