

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-5928-2023 (O&M)

Date of decision: 10.08.2023

Mukesh Kumar

....Petitioner

Versus

State of Union Territory Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mukesh Mehra, Advocate for the petitioner

Mr. Rajeev Anand, Addl. P.P. for U.T. Chandigarh

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.129 dated 17.06.2019, registered under Section 302 read with Section 34 IPC, at Police Station Information Technology Park (IT) Park, Chandigarh.

2. Learned counsel contends that the petitioner is in custody for 4 years and about 2 months. He is the brother-in-law of the deceased. Similarly situated co-accused, who are his mother and father, were granted regular bail vide orders dated 06.09.2022 and 21.11.2022, Annexures P-4 and P-5, after being in custody for about 3 years. Charges were framed wayback on 22.01.2020. Out of 36 prosecution witnesses, only 14 including the complainant and private witnesses have been examined. The petitioner is not involved in any other case.

3. The custody certificate dated 10.08.2023 has been filed by learned State counsel, as per the same, the petitioner is behind bars for 4 years, 1 month and 23 days.

4. Learned State counsel opposes the bail on the ground that there are serious allegations against the petitioner of having actively participated in the commission of offence. He is however unable to controvert the submissions with regard to stage of the case, private witnesses including the complainant stand examined, co-accused having been granted regular bail and the petitioner is not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 4 years, 1 month and 23 days; not involved in any other case; co-accused have been granted bail; charges were framed on 22.01.2020; complainant and other private witnesses stand examined, however, 22 prosecution witnesses still remain to be examined out of a total of 36, 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.

(AMAN CHAUDHARY)
JUDGE

August 10, 2023

M.Kamra

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