

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CRM-M-5725-2023 (O&M)

Date of decision: 26.05.2023

Pardeep @ Bhagta

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Lukesh Kumar, Advocate for the petitioner

Mr. Jagdish Manchanda, Addl. AG Haryana

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case of FIR No.118 dated 14.06.2022, registered under Sections 307, 341, 506, 34 IPC and Sections 25/27/30 of Arms Act (Sections 148 & 149 IPC later on deleted during investigation), at Police Station Bahu Akbarpur, District Rohtak.

2. Learned counsel contends that the petitioner is in custody for the last 11 months having been arrested on 12.07.2022. Though in the FIR, there is an attribution to him of having caused one gunshot injury on the hip of the complainant, however, during investigation it transpired that the said injury was caused by co-accused Ajay, and not by the petitioner, which is reflected in the final report under Section 173 Cr.P.C. Co-accused Mainpal, who is similarly situated to the petitioner having not been assigned any role, has since been granted bail vide order dated 04.11.2022, Annexure P-8. No recovery has been effected from the petitioner. The co-accused Ajay from whom the recovery of the

fire-arm has been effected is in custody. Charges have been framed, however, none out of 17 prosecution witnesses have been examined. He is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that the petitioner was present at the spot and participated in the crime. He is however unable to controvert the submissions with regard to the custody, stage of the case, his non-involvement in any other case, the attribution of injury in the challan is to co-accused Ajay instead of the petitioner as was alleged and the similarly situated co-accused Mainpal has been granted bail.

4. Heard.

5. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 11 months; is not involved in any other case; co-accused Mainpal has been granted bail; in the final report, the injury is attributed to co-accused Ajay and not the petitioner; charges have already been framed, however, out of 17 prosecution witnesses none have been examined, the trial is likely to take a considerable time, his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

6. 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:-

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.

7. 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.

8. In view of the above, it is 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

May 26, 2023
M.Kamra

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