

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-6266-2023
Date of decision: 10.02.2023

AMI LAL

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Radhe Shyam Sharma, Advocate
for the petitioner.

Mr. Aditi Girdhar, 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. 392 dated 26.07.2022 under Sections 323 and 506 IPC and Section 3 of the SC/ST Act registered at Police Station Sadar, Fatehabad, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner has been in custody since 18.11.2022. It is a case of false implication and no case is made out against the petitioner under the SC/ST Act on account of the fact that none other than the complainant was present at the time, thus, there is no independent corroboration to the said allegation. Still further, it was not in public view that the alleged altercation had taken place. There is a delay of one day in lodging of the FIR. Presently, no criminal case is pending against the petitioner. He was convicted in one case, however, in the said case, he has already undergone the sentence, challan in the present case was presented on 10.01.2023;

charges are yet to be framed and in all, there are 10 prosecution witnesses.

Learned State counsel opposes the bail on the ground that the petitioner is alleged to have given slap and fist blows to the complainant. However, he is unable to controvert the other submissions made by learned counsel for the petitioner with regard to the custody period of the petitioner as also the stage of trial and that there is no criminal case presently pending against the petitioner.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 18.11.2022; challan in the present case was presented on 10.01.2023; charges are yet to be framed; the petitioner is not involved in any other case and in all, there are 10 prosecution witnesses and the trial of the case is likely to take long 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

10.02.2023
Mehak

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