

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-6569-2023 (O&M)
Date of decision: 13.02.2023

DEEPAK KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. K.S. Dhaliwal, Mr. K.P.S. Virk and Mr.J.S. Kang, Advocates
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG 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.188 dated 16.10.2018, under Sections 420, 467, 468, 471 IPC and Section 61 of the Excise Act (Sections 482, 483 and 120-B IPC added later on) registered at Police Station Saha, District Ambala.

Learned counsel contends that the petitioner was not named in the FIR and his name surfaced based on the disclosure statement of co-accused Devinder, who was arrested on the spot and has since been granted regular bail. He contends that the petitioner was not aware of the pendency of the present case due to the aforesaid fact and even the Police had not approached him with regard to the same. He is in custody on having been arrested since 28.10.2022. He is involved in one more FIR, wherein, he is on bail. It is a case of Magisterial trial. Challan in the present case has since been presented on 07.01.2023, however,

charges are yet to be framed and in all there are 26 witnesses.

Learned State counsel opposes the bail on the ground that petitioner is involved in another FIR. He is however unable to controvert the submissions made by learned counsel for the petitioner regarding custody, the stage of the trial and co-accused having been granted bail.

Heard.

In view of the above and facts and circumstances of the case, in particular that petitioner is in custody since 28.10.2022; co-accused, who was arrested at the spot has been granted regular bail; challan has been presented, however, charges are yet to be framed; in all there are 26 witnesses; 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

February 13, 2023

S.Sharma(syr)

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