

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-7926-2023 (O&M)
Date of decision: 20.02.2023

TOTA RAM

....Petitioner(s)

Versus

U.T. CHANDIGARH

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Manmohan Saroop, Advocate
for the petitioner.

Mr. Anupam Bansal, APP UT Chandigarh for
Mr. A.M. Punchhi, PP UT Chandigarh.

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.42 dated 22.03.2022, under Sections 147, 148, 149, 341, 323, 307, 506 of the Indian Penal Code, and Section 25 of the Arms Act, registered at Police Station Mauli Jagran, Chandigarh, District UT Chandigarh.

Learned counsel contends that the petitioner is in custody for almost 10 months. No specific injury has been attributed to the petitioner. Wooden stick has been recovered from the petitioner. Co-accused have been granted bail by this Court vide Annexures P-3 to P-6. Challan has been presented, however, charges are yet to be framed and in all there are 15 prosecution witnesses.

Learned APP UT Chandigarh has produced the custody certificate dated 19.02.2023, which is taken on record. As per which, he submits that the petitioner is in custody since 09 months and 25 days and there is one more case

registered against the petitioner on 07.06.2013. He opposes the bail on the ground that the petitioner was part of unlawful assembly. However, he is unable to controvert the submissions made by learned counsel for the petitioner with regard to custody, stage of trial as also that no specific injury was attributed.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for almost 10 months; no specific injury has been attributed to him; co-accused have been granted bail by this Court; though challan has been presented, however, charges are yet to be framed; in all there are 15 prosecution 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 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 20, 2023
S.Sharma(syr)
Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*