

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

206

CRM-M-10944-2023

Date of decision: 10.03.2023

VINOD KUMAR @ LUKA @ LUKDI

....Petitioner(s)

Versus**STATE OF HARYANA**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Dhruv Sihag, 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. 216 dated 13.4.2022 under Sections 323, 34, 342 IPC (Section 325 and 307 IPC added later on) registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel contends that the petitioner has been in custody for the last 10 months having been arrested on 10.05.2022. He was not named in the FIR which was lodged against 3 unknown persons. It is after 15 days that on a supplementary statement made by the son of the injured, who is the complainant in the FIR, stating therein that the petitioner, co-accused Mukesh and one unknown persons were allegedly seen by him coming out of the room of his father in the fields. It is in the disclosure statement of the co-accused Mukesh and the petitioner's attribution has come of the alleged injury caused. There is no other eye witness account. Co-accused Mukesh has been granted regular bail by this Court vide order dated 02.02.2023, Annexure P-3. Charges were framed way

back on 06.10.2022, however, none out of 13 witnesses have since been examined. Despite bailable warrants having been issued against the complainant, he has not appeared before the Court. A reference in this regard has been made to the order dated 01.02.2023, Annexure P-5. He is not involved in any other case.

Learned State counsel opposes the bail on the ground that the specific injury has been attributed to the petitioner as per the disclosure statement. Recovery of the hammer has been effected from him. However, he is unable to controvert the other submissions made by learned counsel for the petitioner in particular with regard to custody, stage of the trial, co-accused having been granted bail and that the petitioner being not involved in any other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 10.05.2022, co-accused has been enlarged on bail, he is not involved in any other case; there are a total of 13 prosecution witnesses out of which none have been examined; 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 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

10.03.2023

Mehak

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