

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-11572-2023
Date of decision: 14.03.2023

HARJEET SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R. S. Mamli, 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. 616 dated 05.10.2021 under Sections 307, 394, 427, 506 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Krishna Gate, Thanesar, District Kurukshetra.

Learned counsel contends that the petitioner has been in custody for the last 1 year 1 month and 5 days having been arrested on 09.02.2022. The FIR was registered against unknown persons. His name has been surfaced based on the disclosure statement of the co-accused after 4 months of the alleged occurrence as per which also the petitioner has not been attributed any gun shot which allegedly was fired by co-accused at the ceiling, pallets of which hit the complainant causing the injuries in question. Three witnesses including the complainant have been examined, however, there are still 23 prosecution witnesses, yet to be examined. Though there are other cases registered against the petitioner, however, he is on bail in all of them. In this regard he relies on the

judgment dated 16.01.2012 passed by Hon'ble The Supreme Court of India in Criminal Appeal No.159 of 2012 titled as **Maulana Mohd. Amir Rashadi Vs. State of U.P. and others, 2012(2) SCC 382.**

Learned State counsel opposes the bail on the ground that he was a part of the unlawful assembly wherein the fire arm injury was caused to the complainant and a country made pistol has been recovered from the petitioner. There is a CCTV footage of the incident as well. Further that the petitioner is on bail in all other cases against him except one. However, he is unable to controvert the other submissions made by learned counsel for the petitioner with regard to custody, stage of the trial and that the complainant having been examined.

Heard.

Hon'ble The Supreme Court of India in the case of **Maulana Mohd. Amir Rashadi** (*Supra*) had held that, “As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 09.02.2022; complainant stands examined; out of a total of 26 prosecution witnesses, only 3 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

14.03.2023

Mehak

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