

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

212

CRM-M-11190-2022 (O&M)

Date of decision: 17.07.2023

Amarjeet and another

..Petitioners

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sumit Sangwan, Advocate for the petitioner No.2.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

AMAN CHAUDHARY, J

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.0385 dated 17.10.2019, registered under Sections 147, 148, 149, 302, 342, 365 IPC (Sections 120-B and 452 IPC added during investigation), at Police Station Dadri Sadar, District Charkhi Dadri.

2. Learned counsel contends that the petitioner No.2 has been in custody for the last 3 years and 9 months, since his arrest on 19.10.2019. Though, he is named in the FIR, however, no specific role has been attributed to him. There was a matrimonial dispute between his sister and the deceased, therefore, he is being implicated. Complainant, who is the eye-witness, has been examined and thereafter, an application under Section 319 Cr.P.C. was filed by the prosecution as regards to some of the accused who were kept in column No.2. Petitioner No.2 is not involved in any other case. Similarly situated co-accused have been granted regular bail by this Court vide orders dated 12.10.2021 (Annexure P3), after having been in custody for almost 1 year and 11 months, dated 10.12.2021 (Annexure P4)

after a custody of 2 years, and order dated 08.02.2022 (Annexure P5) being in custody for 5 months and 25 days. Co-accused Ravi @ Sonu was granted anticipatory bail vide order dated 08.02.2022 (Annexure P6).

3. Learned State counsel opposes the bail on the ground that petitioner has played an active role in the commission of the offence. He is however unable to controvert the submissions made regarding the custody, stage of the case, petitioner No.2 is not being involved in any other case and co-accused having been granted bail.

4. Heard.

5. Petition qua petitioner No.1 has already been withdrawn vide order dated 07.12.2022.

6. Considering the facts and circumstances of the case, in particular that the petitioner No.2 has been in custody for 3 years and 9 month; is not involved in any other case; co-accused have been granted bail; out of total 33 witnesses, only complainant-eye witness stands examined; the trial is likely to take a considerable time; thus his further incarceration would not serve any useful purpose, as such the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner No.2 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 his not being required in any other case. The petitioner No.2 shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.

- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) 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.
- (v) 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.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) 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.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. 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 petitioner No.2 by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

17.07.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No