

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-12987-2023

Date of decision: 21.03.2023

MEHRAM

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Anirudh Singh Shera, 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. 194 dated 24.11.2021 under Sections 148, 149, 323, 302 and 506 IPC registered at Police Station Bicchor, District Nuh.

Learned counsel contends that the petitioner has been in custody for the last 1 year, 2 months and 17 days having been arrested on 04.01.2022. She has not been attributed any injury to the deceased but on the shoulder of the mother of the deceased with a burnt wooden stick. The injury attributed to the deceased is to the husband of the petitioner. Challan was presented on 09.11.2022; charges have been framed on 06.01.2023 and there are 19 prosecution witnesses but no one has been examined. She is not involved in any other case.

Learned State counsel opposes the bail on the ground that the petitioner was present at the time of the occurrence and had caused injuries to the mother of

the deceased. However, he is unable to controvert the other submissions with regard to custody, stage of the trial and 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 for the last 1 year, 2 months and 17 days; she is not involved in any other case; charges have been framed; there are 19 prosecution witnesses out of whom, none have been examined yet; the trial is likely to take a considerable time, her 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 her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her 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, she is an accused, or for commission of which she 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 her 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, she does not have the passport, she 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

21.03.2023
Mehak

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