

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

216-3

CRM-M-11242-2023

Date of decision: 14.07.2023

Sukhpal @ Leela

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Lovepreet Kaur, Advocate for
Mr. Satbir S. Gill, Advocate for the petitioner.

Mr. Jagdish Manchanda, Addl. AG, Haryana.

AMAN CHAUDHARY, J

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.346 dated 02.08.2022, registered under Sections 304, 328 and 34 IPC at Police Station Sadar Dabwali, District Sirsa.

2. Learned counsel contends that the petitioner, 51 years old, has been in custody for the last more than 11 months. Though, the petitioner is named in the FIR, however, no role has been attributed to him. He is not involved in any other case. It was stated by the complainant in the FIR that the deceased was addicted to consuming intoxicating tablets, for which reason he was undergoing treatment in de-addiction centre for the last two months. The main accused Sandeep has already been discharged vide order dated 21.12.2022 by the Juvenile Justice Board on the ground that no prima facie case was established against him. Co-accused Surjeet has been granted anticipatory bail by this Court vide order dated 24.03.2023. Charges have been framed and none out of the total 24 witnesses, has been examined.

3. Learned State counsel opposes the bail on the ground that petitioner is named in the FIR with the allegations that the deceased used to be supplied intoxicating tablets by the petitioner and the co-accused. He is however unable to controvert the submissions made regarding the custody, stage of the trial, the petitioner not being involved in any other case and the co-accused having been granted bail.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for more than 11 months; not involved in any other case; co-accused have been granted bail; charges have been framed but out of total 24 witnesses, none has been examined; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

6. 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 his not being required in any other case. The petitioner 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.

7. 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 the petitioner by this order.

8. 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.

14.07.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No