

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-11977-2023 (O&M)

Date of decision: 26.04.2023

PREM SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sanjay Verma, Advocate
for the petitioner.

Mr. G.G.S. Rai, DAG 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.361 dated 09.08.2022, under Sections 379-B and 34 IPC (Offence under Sections 180, 201 IPC added later on), registered at Police Station Taraori, District Karnal.

Learned counsel contends that the petitioner is in custody for the last about 5 months. He is involved in this case based on disclosure statement allegedly made by him in FIR No.709 dated 20.11.2022, wherein he is on bail. The vehicle in question already stands recovered from the petitioner. The allegation of snatching, is against the co-accused Sonu, who is in custody. Challan was presented on 21.02.2023, however, the charges are to be framed. In total there are 20 prosecution witnesses.

Reply has been filed by learned State counsel. Same is taken on record. He opposes the bail on the ground that the vehicle was recovered from the petitioner and he had actively participated in the commission of offence. He is

however unable to controvert the submissions with regard to custody, stage of trial and he is on bail in another case registered against him.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 5 months; though the challan was presented on 21.02.2023, however, the charges are yet to be framed; in all, there are 20 prosecution witnesses, 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 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.

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

April 26, 2023

M.Kamra

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