

**104+218 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

**CRM-M-12142-2023 (O&M)
Date of Decision: 11.05.2023**

Narender

...Petitioner

V/S

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. H.S. Randhawa, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Raman Chawla, Advocate
for the complainant.

DEEPAK MANCHANDA J. Oral

CRM-18501-2023

This is an application under Section 482 Cr.P.C. for placing on record disclosure statement of co-accused as Annexure P-3 in the main petition.

For the reasons mentioned in the application, same is allowed and Annexure P-3 is taken on record.

CRM-M-12142-2023

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in the case bearing FIR No.973 dated 11.10.2022 registered under Section 120-B, 148, 149, 195-A and 307 of the Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 but during investigation Sections 148, 149, 120-B and 195-B of IPC were deleted and Section 34 of IPC has been added at Police Station HTM, Hisar District Hisar.

Mr. Raman Chawla, Advocate has put in appearance on behalf of

the petitioner and filed his *Power of Attorney*, which is taken on record.

Learned counsel for the petitioner contends that petition who is 21 years of age and has been nominated only on the disclosure statement of co-accused and has been falsely implicated. Learned counsel further contends that the injury attracting Section 307 of IPC was not even attributed to the petitioner and as per the complainant, the other co-accused, namely, Sunil Pandit, where fired had hit in the leg of Vikas Goyal interestingly was declared innocent despite being specifically named in the FIR. Similarly, the other co-accused, namely, Kala (Sandeep Kaalia), Sonu @ Sameer Yadav, Anil @ Sethi, who were specifically named in the FIR all three were declared innocent and the petitioner who is not even named in the FIR and no injury has been attributed to him and has been falsely implicated in the FIR in order to fill up the lacunas of investigation. Further more there is no recovery of any kind was effected upon him, who has been falsely roped in by the investigating agency in the present FIR. Learned counsel submits that since no recovery has been effected from the petitioner where even the investigation has also been completed, challan stands presented on 01.01.2023 and charges have been framed on 18.03.2023 and out of total 32 prosecution witnesses, none has been examined till today and the petitioner is in judicial custody since 15.10.2022 and prays for grant of regular bail.

On the other hand, learned State Counsel on instructions from the Investigating Officer has opposed the aforesaid prayer on the ground that the petitioner is involved in three other cases also, however, does not dispute that the charges have been framed and no prosecution witnesses have been examined so far.

Learned counsel for the complainant has also opposed the bail

application of the petitioner on the ground that in case the petitioner is released on bail, he may tamper with the evidence during trial and can intimidate the prosecution witnesses. Hence, keeping in view the previous conduct being involved in other three cases, petitioner should not be released on bail.

Faced with this, learned counsel for the petitioner relies upon the judgment passed by the Hon'ble Apex Court in ***Prabhakar Tewari Vs. State of U.P. Anr., Criminal Appeal No.152 of 2020 (Arising out of Special Leave Petition (Crl.) No.9207 of 2019)*** and submits that the pendency of other cases against the accused has already been dealt by the Hon'ble Supreme Court where it has been observed that pendency of other criminal cases against accused cannot be the basis to refuse the prayer of the petitioner.

Having heard learned counsel for the parties and gone through the case file, it is significant to note that three other cases are pending against the petitioner in which in all the three cases he is on bail. Further investigation of the case has also been completed where challan stands presented and the charges have already been framed on 18.03.2023. Therefore, no useful purpose would be served by keeping the petitioner in further incarceration, thus the present petition for grant of regular bail deserves to be allowed.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief

Judicial Magistrate/Duty Magistrate and subject to 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/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 nay 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, it is 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.

(DEEPAK MANCHANDA)
JUDGE

11.05.2023
sapna

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