

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-12737-2023 (O&M)

Date of decision: 26.05.2023

Raman Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. B.S. Khehar, Advocate for the petitioner

Mr. Jagdish Manchanda, Addl. AG Haryana

Mr. Rajesh Duhan, Advocate for the complainant

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 of FIR No.260 dated 13.11.2021, registered under Section 302 read with Section 34 of IPC, at Police Station Radaur, District Yamuna Nagar.

2. Learned counsel contends that the petitioner is in custody for the last 1 year and 5 months, having been arrested on 08.01.2022. The allegations levelled against the petitioner are of having taken the deceased, whereafter he was administered intoxicant, were the same against the co-accused-Raman, who has been granted bail vide order dated 01.02.2023. As mentioned in the FIR, the petitioner is stated to have even taken the deceased to the hospital, along with the co-accused. The deceased was examined and referred to Civil Hospital, Yamunanagar. The case was adjourned by this on last two dates as the complainant was yet to be examined, regarding which the learned State counsel

had also stated that efforts shall be made. He now stands examined on 24.05.2023. There are so many witnesses to be examined. In all there are 18 prosecution witnesses. The petitioner is not involved in any other case.

3. Learned State counsel assisted by learned counsel for the complainant oppose the bail on the ground that the petitioner in connivance with other co-accused had administered the poisonous substance to the deceased. Learned State counsel is however unable to controvert the submissions with regard to custody, stage of the case wherein the statement of complainant has been recorded, co-accused has been granted bail and the petitioner not being involved in any other case.

4. Heard.

5. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year and 5 months; his non-involvement in any other case; co-accused has been granted bail; statement of complainant stands recorded; there are 17 more witnesses yet to be examined, the trial is likely to take a considerable time, his further incarceration would not serve any useful purpose, thus 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:-

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.

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 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

May 26, 2023
M.Kamra

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