

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-15403-2023 (O&M)

Date of decision: 11.04.2023

MOHIT @ BUNTY

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. D.R. Bansal, Advocate with
Mr. Karamvir Saini and Mr. Rahul Bansal, Advocates
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.632 dated 15.11.2022, under Sections 279, 323, 336, 506 and 34 of IPC (Sections 148, 149, 120-B and 307 IPC added later on and Section 34 IPC was deleted), registered at Police Station Gohana, District Sonipat.

Learned counsel contends that the petitioner is in custody for more than the 4 months. His name surfaced based on a disclosure statement of co-accused namely Kamal, who was implicated in the present case based on the disclosure statement of another co-accused namely Daya Ram. The attribution to the petitioner, as per disclosure statement, is of having caused a danda blow to the husband of the injured-complainant. He is not involved in any other case. He submits that the co-accused Krishan has been granted anticipatory bail by this Court vide order dated 02.03.2023. Though, the challan was already presented, however, the charges are yet to be framed. There are total 18 witnesses in this

case.

Learned State counsel has produced the custody certificate dated 10.04.2023, which is taken on record, as per the same the custody of the petitioner is 4 months and 10 days. He opposes the bail on the ground that the petitioner was one of the persons, who had attacked the complainant and her husband. He is however unable to controvert the submissions with regard to stage of trial, co-accused has been granted anticipatory bail and that 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 is in custody for the last 4 months and 10 days; he is not involved in any other case; co-accused Krishan has already been granted anticipatory bail; though, the challan had already been presented, however, charges are yet to be framed; in all, there are 18 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 11, 2023
M.Kamra

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