

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

120+264

CRM-M-16492-2023 (O&M)

Date of decision: 18.04.2023

VIKRAMJEET ALIAS VICKY

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. K. K. Thakur, Advocate for the petitioner

Mr. Dhruv Sihag, AAG Haryana

AMAN CHAUDHARY. J.

CRM-17122-2023

For the reasons stated in the application, same is allowed. State of Haryana is impleaded as party respondent. Amended memo of parties is taken on record. Registry is directed to tag the same at appropriate place.

CRM-M-16492-2023

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.174 dated 16.05.2021, under Sections 34, 379-B IPC and Section 411 IPC added later on, registered at Police Station Mandi Dabwali, District Sirsa.

Learned counsel contends that the petitioner is in custody for the last 1 year and 11 months. The allegation against the petitioner is of having snatched gold tops, which have since been recovered. Petitioner is not involved in any other case. Co-accused has already been granted bail. Charges have been framed, however, only 02 out of 12 witnesses have been examined.

Learned State counsel opposes the bail on the ground that the petitioner was apprehended at the spot and recovery has been effected from him. He is however unable to controvert the submissions with regard to the custody, stage of trial, petitioner being not involved in any other case and co-accused having been granted bail.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year and 11 months; he is not involved in any other case; co-accused has already been granted bail; though charges have been framed, however out of 12 only 02 witnesses have been examined yet; 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 18, 2023

S.Sharma(syr)

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