

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-17204-2023
Date of decision: 29.05.2023

Chiti @ Ankit

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rajesh Duhan, Advocate
for the petitioner
Mr. Praveen Bhadu, AAG, Haryana

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 FIR No. 1159 dated 16.12.2022, registered under Sections 148, 149, 308, 323, 324, 506 IPC and Section 25 of the Arms Act (after investigation challan filed under Section 308, 323, 324, 506, 326 and 34 IPC) at Police Station Karnal Sadar, District Karnal.

2. Learned counsel contends that the petitioner, who is 18 years old has been in custody for the last about 6 months. The injury attributed to him to the complainant has been declared simple in nature. As per the allegations, the injury caused was by knife, however, the recovery effected from the petitioner is of belt and a *kada*. Challan has been presented on 06.04.2022 but charges are yet to be framed and in all, there are 10 prosecution witnesses. He is not involved in any other case. Co-accused Sumit who was attributed the stab injury to the

complainant has been granted regular bail. The petitioner is also enrolled for B.A. 1st Year (2nd semester) examination which are scheduled from 01.06.2023.

3. Learned State counsel opposes the bail on the ground that the petitioner was part of the unlawful assembly and actively participated in the alleged incident and attributed a specific role of having caused the injury. However, he is unable to controvert the submissions with regard to the custody, stage of the case, co-accused Sumit having been granted bail and non-involvement of petitioner in any other case.

4. Heard.

5. In view of the facts and circumstances of the case, in particular that the petitioner aged 18 years is in custody for the last about 6 months; co-accused has been granted bail; he is not involved in any other case; though challan has been presented, however, charges are yet to be framed and in all, there are 10 prosecution witnesses, the trial is likely to take considerable time, his 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 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.

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

29.05.2023

Mehak

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No