

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

225

CRM-M-17502-2023 (O&M)

Date of decision: 20.04.2023

SUKHBIR@MONU

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vishal Yadav, Advocate for the petitioner

Mr. Dhruv Sihag, 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 respect of FIR No.219 dated 25.08.2021, under Sections 148, 149 and 307 IPC (Section 212 and 120-B IPC added later on) and Section 25 of Arms Act registered at Police Station Kosli, District Rewari.
2. Learned counsel contends that the petitioner was not named in the FIR, but was implicated based on disclosure statement of co-accused Deepak, as per which, there is no allegation of him having used any firearm. Even otherwise, the shots were fired in air by the co-accused. He was granted regular bail in this case vide order dated 08.10.2021, Annexure P-2, however, in the FIR No.266 dated 17.10.2021, the petitioner was arrested on 22.10.2021, on account of which, he was unable to appear before the trial Court in this case, that led to cancellation of his bail vide order dated 22.02.2022, Annexure P-4. He was thereafter regular granted bail in FIR No.266 vide order dated 06.09.2022, Annexure P-3. The petitioner has been in custody for more than 13 months. Besides, the present FIR

and the one wherein he was arrested and later on granted regular bail, there is no other case against the petitioner. Charges had been framed on 11.05.2022, however, only 1 out of 23 witnesses has been examined.

3 Learned State counsel has produced the custody certificate dated 19.04.2023, which is taken on record. As per the same the custody of the petitioner is 01 year, 01 month and 01 day.

4. Learned State counsel opposes the bail on the ground that petitioner was a part of the unlawful assembly. He is however unable to controvert the submissions with regard to stage of trial, he was previously granted regular bail in the present case and that besides these cases, he is not involved in any other.

5. Heard.

6. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for 01 year, 01 month and 01 day; he is not named in the FIR and involved on basis of a disclosure statement; he was earlier granted bail in this case; though charges were framed on 11.05.2022, but, only 1 out of 23 witnesses has yet been examined; 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.

7. 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.

8. 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.
9. 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 20, 2023
S.Sharma(syr)

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