

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

211

CRM-M-19723-2023

Date of decision: 09.05.2023

VISHAL @ SUNNY

....Petitioner

Versus**STATE OF HARYANA**

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Tarun Dhingra, 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 of FIR No. 616, dated 05.10.2021, registered under Sections 307, 394, 427, 506 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Krishna Gate, Thanesar Kurukshetra.

2. Learned counsel contends that the petitioner has been in custody for the last about 1 year 2 months, having been arrested on 04.03.2022. The allegations against the petitioner in the FIR are of having taken the cash box. Charges have been framed on 28.07.2022 but only 2 out of 26 prosecution witnesses have been examined. Co-accused Parambir @ Prince and Harjeet Singh against whom the allegation were of having fired, have since been granted bail vide orders dated 25.04.2023 and 14.03.2023 respectively. There are 3 other cases against the petitioner, wherein, he is on bail. In this regard, he relies on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 1 year 2 months and 5 days.

4. Learned State counsel opposes the bail on the ground that specific allegations have been levelled against the petitioner and a motorcycle and Rs.500/- have been effected from him. He is involved in three other cases. However, he is unable to controvert the submissions with regard to the stage of the case and both his co-accused having been granted bail.

5. Heard.

6. Hon'ble The Supreme Court of India in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

7. In view of the facts and circumstances of the case, the observations made in aforesaid judgment, and that the petitioner has been in custody for the last 1 year 2 months and 5 days; co-accused have already been granted regular bail; though charges have been framed however, only 2 out of 26 prosecution witnesses have been examined as yet; 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.

8. 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.
9. 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.
10. 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

09.05.2023

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