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

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**CRM-M-18772-2023 (O&M)**
**Date of decision: 20.07.2023**

Sanoj

....Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present : Mr. Surinder Kumar Daaria, Advocate for the petitioner

Mr. Vikrant Pamboo, Sr. DAG Haryana

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**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.372 dated 29.07.2022, registered under Sections 387, 506, 120-B IPC and Section 66-C of the IT Act, 2000 at Police Station Sector 27, Sonipat, District Sonipat.

2. Learned counsel contends that the petitioner is in custody for 11 months. His name surfaced based on disclosure statement of co-accused Badre Alam. There is no specific allegation against the petitioner. The offences are triable by the Magistrate. Only 2 out of 27 PWs have been examined. Though, he is involved in other cases, however, he is on bail in 4 of them. Reliance is placed on the judgment of Hon'ble The Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others,** 2012(2) SCC 382**.**

3. Learned State counsel opposes the bail on the ground that recovery of SIM cards, ATM cards, 1 car and 1 mobile phone has been effected from the petitioner. He is however unable to controvert the submissions regarding the

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custody, stage of the case, involved based on disclosure statement and he being on bail in 4 other cases.

4. Heard.

5. 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".

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for past 11 months; his name surfaced on the basis of disclosure statement; it is a case of Magisterial trial; only 2 out of 27 PWs have yet been examined; the trial is likely to take considerable time and thus his further incarceration would not serve any useful purpose, as such 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:-

(i). The petitioner will not tamper with the evidence during the trial.

(ii). The petitioner will not pressurize/ intimidate the prosecution witnesses.

(iii). The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

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(iv). 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.

(v). 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.

(vi). The petitioner shall not in any manner misuse his liberty.

(vii). 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.

(viii). The petitioner shall not leave the country without prior permission of the trial Court.

(ix). The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

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, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

**(AMAN CHAUDHARY)**
**JUDGE**

**20.07.2023**
*S.Sharma(syr)*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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