

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

228

CRM-M-18769-2023 (O&M)  
Date of decision: 18.08.2023

Shiv Kumar

...Petitioner

Versus

State of Haryana

...Respondent

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

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Present: Mr. GS Sandhu, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

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**AMAN CHAUDHARY, J.**

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.125 dated 13.05.2020, registered under Sections 323, 307 and 427 IPC (Section 302 IPC added later on), at Police Station Butana, District Karnal.

2. Learned counsel contends that the petitioner is in custody for 3 years and 3 months, having been arrested on 14.05.2020. The deceased was the real brother of the petitioner. Though the allegations against the petitioner are of having setting ablaze the motorcycle as well as the deceased, however, the complainant, who is nephew of the deceased and the petitioner, who appeared as PW1 and wife and son of the deceased, PW-2 and PW-3, have not supported the prosecution case as per their statements Annexures P-1 to P-3. 14 more witnesses remain to be examined, as only 6 have been examined including the material witnesses.

The petitioner is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of commission of the crime. He is however unable to controvert the submissions made regarding the custody, stage of the trial, statements of the witnesses and the petitioner not being involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 3 years and 3 months; not involved in any other case; out of 20 witnesses, only 6 witnesses have yet been examined; complainant, wife and son of the deceased have not supported the prosecution version; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, 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:-

- (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.
- (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.

7. 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.

8. 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.

18.08.2023  
ashok

( AMAN CHAUDHARY )  
JUDGE

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