

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-19037-2023 (O&M)

Date of decision: 25.04.2023

ACHHAR PAL ALIAS BHINDI

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Karan Singh, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG Haryana.

AMAN CHAUDHARY. J.

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.69 dated 27.02.2021, under Sections 379-A, 34 IPC, registered at Police Station Gandhi Nagar, District Yamunanagar.

Learned counsel contends that the petitioner is in custody since 28.02.2021 and was granted regular bail vide order dated 06.05.2021. Thereafter, he could not appear before the trial Court on 16.11.2021 as he had to go out of State for a job along with the contractor he was working for. After being declared proclaimed person on 03.09.2022, he was arrested on 03.10.2022. Pursuant to which, an FIR under Section 174-A was registered against him, wherein he has been convicted on 24.01.2023 and he was sentenced to undergo imprisonment for the period already undergone by him since his arrest. There is no other case pending against him, except the FIR that was registered under Section 174-A IPC. It is reflected from the zimni orders that the complainant is not appearing in the

trial. Summons had been issued for his presence for 05.04.2023. However, on that date also he did not appear and the case was adjourned to 17.04.2023, on which date, he also did not appear. As per the report of service, the complainant and the victim had shifted from Yamunanagar to Uttar Pradesh and they be served through the Investigating Officer. Though, the charges were framed on 02.08.2021, however, only 4 out of 7 prosecution witnesses have been examined.

Learned State counsel opposes the bail on the ground that the petitioner was declared proclaimed person and recovery of mobile phone was effected from him. He is however unable to controvert the submissions with regard to stage of trial and he being not involved in any other case except FIR under Section 174-A IPC.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for more than 6 months after his re-arrest on 06.10.2022; his non-involvement in any other case; he had remained in custody for 2 months prior to grant of regular bail previously; though the charges have been framed on 02.08.2021, however, only 4 out of 7 prosecution witnesses have 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.

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.

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.

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 25, 2023

M.Kamra

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