

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

229

CRM-M-19004-2023 (O&M)**Date of decision: 19.07.2023**

Amit

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S.K. Bishnoi, Advocate for the petitioner

Mr. Vikrant Pamboo, Sr. DAG 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 FIR No.1070 dated 23.12.2022, registered under Sections 323, 324, 34 and 506 IPC (Section 326 IPC added later on) at Police Station Azad Nagar, Hisar, District Hisar

2. Learned counsel contends that the petitioner, aged 27 years old, is in custody for the last about 6 months. He has been falsely implicated in this case, for the reason to force the petitioner and his family to leave the land which the complainant wanted to purchase for half or lesser price. The injury attributed to him is on the head of the complainant with a *barchaa*, however, *gandasi* is shown to have been recovered. The wife of the petitioner who was also implicated in this case was found innocent during investigation. He has 3 minor children including 2 daughters, besides his wife and is the sole breadwinner of his family. Though charges were framed on 04.05.2023, however, the complainant has not appeared before the Court, despite the case having been adjourned 4 times for the said purpose. In all there are 12 PWs. The petitioner is not involved in any other case.

3. The custody certificate dated 18.07.2023 filed by learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 5 months and 21 days.

4. Learned State counsel opposes the bail on the ground that there are serious allegations of having caused injuries that were declared grievous in nature. He is however unable to controvert the submissions regarding the stage of the case, petitioner being not involved in any other case and the complainant not having appeared before the trial Court on 4 occasions.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 5 months and 21 days; is not involved in any other case; charges have been framed on 04.05.2023, however, the complainant is not appearing before the Court to record his statement; in all there are 12 prosecution witnesses; the trial is likely to take considerable time and thus his further incarceration 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:-

- (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.

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

19.07.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No