

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

218

CRM-M-19769-2023

Date of decision: 02.08.2023

Ashok Kumar and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sat Pal Singh Sidhu, Advocate for the petitioner

Ms. Himani Arora, AAG Punjab

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners in case FIR No. 29 dated 23.03.2022, registered under Sections 323, 325, 341, 342, 506, 148 and 149 of the Indian Penal Code, 1860 (Section 307 IPC added later on) at Police Station City Jalalabad, District Fazilka.

2. Learned counsel contends that petitioners have been in custody for the last more than 1 year. As per the allegations, petitioner No. 2 had raised a *lalkara* and inflicted a blow on the left leg of the injured, while petitioner No.1 a sabble blows on the right ankle and right thigh of the injured. There is a compromise that has been arrived at between the petitioners and the complainant on 01.08.2023, reduced in writing. Charges were framed on 03.09.2022, whereafter the complainant was examined-in-chief, after which an application under Section 319 Cr.P.C. has been filed, which is pending adjudication. In all, there are 19 prosecution witnesses. The petitioners are not involved in any other case.

3. Learned counsel for the complainant affirms the factum of compromise and has instructions to state that he has no objection to grant of bail to the petitioners.

4. Learned State counsel submits that there are serious allegations against the petitioners attracting offence under Section 307 IPC. However, he is unable to controvert the submissions with regard to the custody, stage of the case and the petitioners being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioners have been in custody for the last more than 1 year; they are not involved in any other case; a compromise has been arrived at between the parties; charges have been framed on 03.09.2022 and there are 19 prosecution witnesses in all; the trial is likely to take considerable time, thus, their 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 petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to their not being required in any other case. The petitioners shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a

specific order of Court.

(iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.

(v) The petitioners 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 petitioners shall not in any manner misuse their liberty.

(vii) The petitioners shall furnish their 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 petitioners seek 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 petitioners 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 petitioners.

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 petitioners 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

02.08.2023

Mehak

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