

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

211

CRM-M-24102-2021 (O&M)

Date of decision: 28.02.2023

VIJAY KUMAR

....Petitioner(s)

Versus**STATE OF HARYANA**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Munish Behl, Advocate for the petitioner

Mr. Tanuj Sharma, 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.199 dated 23.07.2020, under Sections 302 IPC; Section 25/54/59 of the Arms Act (Sections 324 IPC added later on), registered at Police Station Ambala Cantt. District Ambala.

Learned counsel contends that the petitioner is in custody for the last 02 years and 6 months. The scuffle that had allegedly taken place was due to a dispute on account of drainage. For the last 02 dates of hearing before the trial Court, no PW has appeared despite the fact that PW-2, 3 and 4 were summoned to appear for recording their statements. The alleged eye-witness Ritesh, who appeared as PW-7 has not supported the prosecution version. Charges have been framed and out of 20 prosecution witnesses, 13 have been examined including the complainant. Petitioner is not involved in any other case.

Learned State counsel opposes the bail on the ground that the petitioner has been attributed specific injuries caused to the complainant and the deceased. He is however unable to controvert the submissions made by learned

counsel for the petitioner regarding not involved in any other case, period of custody and stage of the trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 02 years and 6 months; eye-witness Ritesh, who appeared as PW-7, has not supported the prosecution version; he is not involved in any other case; charges have been framed; out of 20 prosecution witnesses, 13 have been examined including the complainant; 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

February 28, 2023

S.Sharma(syr)

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