

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

218

CRM-M-21040-2023 (O&M)

Date of decision: 02.05.2023

RAM PAL

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sanpreet Sandhu, Advocate for the petitioner

Mr. Dhruv Sihag, AAG Haryana

Mr. Kuldeep Sheoran, Advocate for the complainant

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 of FIR No.955 dated 21.11.2022, registered under Sections 148, 149, 323, 325, 308, 307, 506 IPC, at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. Learned counsel contends that the petitioner is in custody for the last 4 months. The allegation against him is of being a part of a group, amongst whom one co-accused had inflicted injury on the head of the father of the complainant. He submits that the matter stands settled between the parties vide compromise deed dated 17.03.2023, Annexure P-2. Charges have been framed on 01.04.2023, however, the prosecution evidence has not commenced and in all there are 23

witnesses. Petitioner was involved in 5 cases, out of which he has been acquitted in 3 while 2 cases are pending, wherein he is on bail. He relies on the judgment of Hon'ble The Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned counsel for the complainant affirms the factum of compromise having been arrived at between them and he has no objection if bail is granted to the petitioner.

4. The custody certificate dated 01.05.2023 filed by learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 03 months and 29 days.

5. Learned State counsel opposes the bail on the ground that the petitioner was the part of an unlawful assembly and a wooden *danda* was recovered from him. He is however unable to controvert the submissions that the petitioner being acquitted in 3 cases out of 5, in 2 he is on bail, and the stage of trial.

6. Heard.

7. Hon'ble The Supreme Court of India in the case of **Maulana Mohd. Amir Rashadi** (*Supra*) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc".

8. In view of the facts and circumstances of the case, observations made in the aforesaid judgment, in particular that the petitioner is in custody for the last

3 months and 29 days; matter stands compromised between the parties; though charges have been framed on 01.04.2023, however, out of 23 witnesses none has yet been examined; the trial is likely to take a considerable time, his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

9. 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.

10. 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.

11. In view of the above, it is 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

02.05.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No