

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

111+212

CRM-M-24281-2021 (O&M)

Date of decision: 19.04.2023

BHIM SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Saurav Dogra and Mr. Parth Singh, Advocates
for the petitioner.

Mr. Tanuj Sharma, AAG Haryana.

Mr. Sanjay Kaushal, Sr. Advocate with
Mr. Manish Mehta, Advocate
for respondent No.2.

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.622 dated 25.10.2018, under Sections 25, 54, 59 of Arms Act and Sections 302, 307, 323, 34, 506 IPC, registered at Police Station City Mahendergarh, District Mahendergarh.

Learned counsel contends that the petitioner had been in custody for the last about 3 years i.e. from 25.10.2018 till 07.06.2021, when he was granted interim bail on medical grounds, he being 72 years of age retired Army personnel suffering from all sorts of old age ailments including kidney problems and is also unable to walk due to osteoarthritis in both his knees. There has been no allegations against him of having misused the interim bail or of threatening or influencing the witnesses. He is not involved in any other case. Out of 22 witnesses, only 2 have been examined.

Learned State counsel opposes the bail on the ground that the petitioner is the main accused. However, he is unable to controvert the submissions with regard to the custody, stage of trial, his non-involvement in any other case and has not misused the concession of interim bail granted to him.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner aged 72 years, had remained in custody for about 3 years; has been on interim bail for the last about 2 years on account of ailments; not involved in any other case; only 2 out of 22 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 fresh 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 19, 2023

M.Kamra

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