

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-24288-2022 (O&M)
Date of decision: 16.01.2023

ANUJ KUMAR SHARMA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Deepanshu Matya, 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.0036 dated 08.02.2022, under Sections 120-B, 420, 467, 468, 471 of IPC and Section 52 of Disaster Management Act, 2005, registered at Police Station DLF Ph-III, District Gurugram.

Learned counsel contends that the petitioner is in custody for the last 10 months and the allegations against him is with regard to having supplied a bogus Covid positive report, is being the owner of the lab. It is his submission that the allegations against him are false. He is being impleaded for vicariously liable and the co-accused Sanjeev, who was arrested at the spot being the employee of the petitioner had granted regular bail vide order dated 03.03.2022 Annexure P-9 passed by the trial Court. He further submits that the charges have been framed in this case and only 2 out of 18 witnesses have been examined and

there is no other case, in which the petitioner is involved.

Learned State counsel opposes the bail on the ground that he is the main accused being the owner of the lab which had issued the alleged bogus report of Covid for an amount of Rs. 2,000/- and forwarded it on the mobile number of the petitioner. the commercial quantity was recovered from him. However, he is unable to controvert the submissions made by learned counsel for the petitioner. However, he is unable to controvert the submissions of the learned counsel for the petitioner.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 10 months; the petitioner is not involved in any other case; co-accused Sanjeev had already granted bail by the learned trial Court; charges have been framed; 2 out of 18 witnesses have 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 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 clear that in case of any infraction of any 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

January 16, 2023

M.Kamra/S.Sharma(syr)

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