

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

221

CRM-M-23797-2023 (O&M)**Date of decision: 20.07.2023**

Ritesh

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Pawan Kumar Hooda, Advocate for the petitioner

Mr. Vikrant Pamboo, Sr. DAG Haryana

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 FIR No.914 dated 22.11.2022, registered under Sections 148, 149, 323, 324, 506 IPC (Sections 307, 325 and 326 IPC added later on) at Police Station Panipat City, District Panipat.

2. Learned counsel contends that the petitioner is in custody for more than 6 months. He was not named in the FIR and it is only in the supplementary statement of the complainant made after 3½ months on 16.03.2023, that the petitioner has been involved. The allegations against him as well as co-accused Vishal and Robin are of having collectively caused injuries to the injured and the complainant. Co-accused Vishal as well as Robin were granted regular bail by this Court after they being in custody for 04 months and 18 days; and more than 6 months respectively vide orders dated 31.05.2023 and 07.06.2023. The injury attracting offence under Section 307 IPC has been attributed to co-accused Vipin and Mohit, out of whom Vipin is on interim bail granted by this Court vide order

dated 14.02.2023. Though charges have been framed, however, none out of the 15 witnesses have been examined. Petitioner is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of having caused injuries to the injured and the complainant. He is however unable to controvert the submissions regarding the custody, stage of the case, petitioner being not involved in any other case and co-accused being on bail.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for more than 6 months; not involved in any other case; co-accused have been enlarged on bail; none out of 15 witnesses have yet been examined; the trial is likely to take considerable time and his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

6. 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:-

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

- (v). 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.
- (vi). The petitioner shall not in any manner misuse his liberty.
- (vii). 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.
- (viii).The petitioner 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 petitioner.

7. 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.

8. 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

20.07.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No