

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-25488-2023
Date of decision: 12.07.2023

Vishal

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. A. S. Khinda, Advocate for
Mr. Ramesh Sharma, Advocate
for the petitioner

Mr. H. S. Sullar, Sr. DAG, Punjab

Mr. Harjinder Singh, 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 FIR No. 84 dated 17.10.2022, registered under Sections 307, 326, 324 and 34 of the Indian Penal Code, 1860 at Police Station Begowal, District Kapurthala.
2. Learned counsel contends that petitioner, who is 23 years of age, has been in custody for the last about 5 months and is not involved in any other case. Two of the co-accused have been granted bail by the trial Court. Challan has been presented, however, charges have not been framed and in all, there are 17 PWs. A compromise between the parties has since been arrived at on 13.04.2023 which is produced and taken on record as Mark-A.
3. Learned counsel for the complainant affirms the factum of

compromise and submits that the complainant has no objection in case the petitioner is granted regular bail.

4. The custody certificate dated 11.07.2023 filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 5 months and 1 day.

5. Learned State counsel opposes the bail on the ground that there are serious allegations against the petitioner. However, he is unable to controvert the submissions with regard to the stage of the case, two co-accused having been granted regular bail and the petitioner being not involved in any other case.

6. Heard.

7. Considering the facts and circumstances of the case, in particular that the petitioner has been in custody since last 5 months and 1 day; is not involved in any other case; two of the co-accused have been granted bail; compromise has been effected between the parties; challan has been presented but charges are yet to be framed and in all, there are 17 PWs; the trial is likely to take considerable time, thus, his further incarceration would not serve any useful purpose, as such the present petition for grant of regular bail deserves to be allowed.

8. 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 his 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.

9. It is made clear that in case of any infraction of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. 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

12.07.2023

Mehak

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