

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

205

CRM-M-25924-2023 (O&M)

Date of decision: 26.05.2023

Sanjeet

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Dharambir Sihag, Advocate for the petitioner

Mr. Jagdish Manchanda, Additional AG 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.417 dated 24.07.2022, registered under Sections 392, 397, 120-B and 34 IPC and Sections 25/54/59 of the Arms Act at Police Station Gurugram Sadar, Gurugram.

2. Learned counsel contends that the petitioner is in custody for the last about 10 months. He is alleged to have hit the complainant on the stomach, however, attribution of having fired the pistol is to the co-accused namely Davinder, who is in custody. Co-accused, who are similarly situated to the petitioner have since been granted bail vide orders dated 04.05.2023 and 09.05.2023, Annexures P-4 and P-5, after having been in custody for about 7 months. 3 out of 29 prosecution witnesses have been examined including the complainant, who has however turned hostile. Petitioner is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that there is a specific allegation of robbery against the petitioner and an amount of Rs.6,000/- have been recovered from him. He is however unable to controvert the

submissions regarding custody, stage of case, similarly situated co-accused having been granted bail and the petitioner being not involved in any other case.

4. Heard.

5. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last about 10 months; not involved in any other case; co-accused having been granted bail; complainant having been examined and not supported the case; 26 witnesses are yet to be 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.

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:-

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.

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 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

26.05.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No