

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

236

CRM-M-26219-2023
Date of decision: 01.06.2023

Shrikant and others

....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sandeep Kotla, Advocate
for the petitioner
Mr. Dhruv Sihag, AAG, 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. 613 dated 18.07.2022, registered under Sections 148, 149, 307, 323, 324, 325, 365, 379-B, 506 and 120-B of the Indian Penal Code, 1860 at Police Station Chandni Bagh, District Panipat.
2. Learned counsel prays for withdrawal of the petition qua petitioner No. 3 at this stage.
3. Insofar as petitioners No. 1, 2 and 4 are concerned, learned counsel contends that they have been in custody for the last about 10 months having been arrested on 06.08.2022. As per the allegations in the FIR, the petitioners No. 1 and 4 have been attributed *danda* blows on the legs and arms of the injured

namely Jaswinder Singh whereas petitioner No. 2 had given fist blows to him. Charges have been framed on 18.04.2023, however, prosecution evidence is yet to commence. The petitioner No.1 is involved in 3 cases wherein he is on bail while petitioner Nos. 2 and 4 are involved in one more case in which they are on bail. In this regard, he relies on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 9 months 19 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of having inflicted injuries on the person of the injured. They are involved in a number of cases. Petitioner No. 1 is involved in 3 other cases while petitioners No. 2 and 4 are involved in one more case. However, he is unable to controvert the submissions with regard to the stage of the case and the petitioners being on bail in other cases.

5. Heard.

6. Hon'ble The Supreme Court of India in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

7. In view of the afore referred judgment and facts and circumstances of the case that the petitioners have been in custody for 9 months 19 days; they are on

bail in other cases; charges have been framed on 18.04.2023, however, prosecution evidence is yet to commence; the trial is likely to take considerable time, their further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

8. As a result, the present petition is allowed qua petitioners No. 1, 2 and 4. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to their not being required in any other case. The petitioners shall abide by the following conditions:-

1. The petitioners will not tamper with the evidence during the trial.
2. The petitioners will not pressurize/intimidate the prosecution witnesses.
3. The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
5. The petitioners 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 petitioners shall not in any manner misuse their liberty.
7. The petitioners shall furnish their addresses and mobile numbers to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioners seek 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 petitioners shall deposit their passport, if any, with the Trial Court forthwith and in case, they do not have the passport, they shall furnish a specific affidavit in this regard.

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 petitioners 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

01.06.2023

Mehak

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