

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

217

CRM-M-26301-2023 (O&M)

Date of decision: 29.05.2023

Ajay

....Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Japjit Singh Johal, Advocate for the petitioner

Mr. Praveen Bhadu, AAG Haryana

Mr. Vijay Pal, Advocate for the complainant

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**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.53 dated 12.02.2022, registered under Sections 307, 323, 324, 341, 379-B, 506, 120-B, 34 IPC and Section 25 of Arms Act, at Police Station Agroha, District Hisar, in which later on during investigation Section 379-B IPC and Section 25 of Arms Act were deleted and Sections 25(1-B)(a) and 29 of Arms Act and Section 326 IPC were added.

2. Learned counsel contends that the petitioner is in custody for the last about 1 year and 2 months. The injury attributed to him was declared simple in nature. As is reflected in the order dated 16.01.2023 passed by a Coordinate Bench of this Court, co-accused Ajay S/o Satbir, who is alleged to have sent the petitioner and the co-accused to cause injuries, has been granted bail. The complainant has already settled the matter with the co-accused Ajay. Out of 17 prosecution witnesses, 3 have been examined.

3. Learned State counsel assisted by learned counsel for the complainant oppose the bail on the ground that there is a specific attribution of injury caused by the petitioner and recovery of sword and country made pistol has been effected from the petitioner. Learned State counsel is however unable to controvert the submissions with regard to custody, stage of trial and co-accused having been granted bail.

4. In rebuttal, learned counsel for the petitioner submits that no fire-arm was used and the injury is lacerated.

5. Heard.

6. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year and 2 months; co-accused Ajay S/o Satbir has been granted bail; out of 17 prosecution witnesses, only 3 have yet been 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.

7. 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:-

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.

8. 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.

9. 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

May 29, 2023  
M.Kamra

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