

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

211

CRM-M-27125-20233 (O&M)

Date of decision: 01.06.2023

Vikas @ Vicky

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Parveen Sharma, 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.489 dated 28.06.2021, registered under Section 302 IPC (Sections 201, 34 IPC added later on), at Police Station Kharkhoda, District Sonapat.

2. Learned counsel contends that the petitioner is in custody for the last 1 year and 11 months. Initially the FIR was registered against unknown persons and it is only on the supplementary statement of complainant that his name had surfaced, wherein allegations of having caught hold of the deceased along with co-accused Deepak were levelled against him. Co-accused Deepak has since been granted regular bail by this Court vide order dated 01.05.2023, Annexure P-6. 10 witnesses including the father, brother, uncle and mother of the deceased, have been examined, who have not supported the case of the prosecution and 7 remain to be examined. The Investigating Officer also stands examined. Petitioner is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that petitioner

had played active role in the commission of the offence as has been alleged in the FIR. He is however unable to controvert the submissions regarding the custody, stage of the case, material witnesses having been examined, who have not supported the prosecution version, co-accused having been granted regular bail and 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 1 year and 11 months; not involved in any other case; co-accused has been granted bail; material witnesses have been examined, who have not supported the case of prosecution; 7 more 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 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
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No