

222

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

CRM-M-29145-2023
Date of decision: 03.07.2023

Somen Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ram Pal Verma, 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.78 dated 26.01.2023, registered under Section 379A and 34 of IPC, at Police Station Kundli, District Sonipat.
2. Learned counsel contends that the petitioner is in custody for the last 5 months 7 days. The recovery of mobile phone already stands effected. He has been falsely implicated in the case on account of the fact that there was an enmity between the parties. Though charges were framed on 26.04.2023, however none out of 8 prosecution witnesses have been examined. The petitioner is not involved in any other criminal case.
3. The custody certificate dated 30.06.2023, has been filed by the learned State counsel. As per the same, the petitioner is behind bars for the last 5 months and 3 days.
4. Learned State counsel opposes the bail on the ground that the

petitioner is alleged to have snatched a mobile phone which has been recovered. He is however unable to controvert the submissions with regard to stage of the case and the petitioner not being involved in any other criminal case.

5. Heard.

6. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 5 months and 3 days, is not involved in any other criminal case, out of 8 prosecution witnesses none have been examined, the trial is likely to take a considerable time and 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 not leave the country without prior permission of the trial Court.

9. The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

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 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

July 03, 2023
dharamvir

Whether speaking/reasoned : No
Whether reportable : Yes