

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

205

CRM-M-30219-2023(O&M)

Date of decision: 15.06.2023

Rinku Singh and another

....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. K.S. Siwach, Advocate for the petitioners

Mr. Dhruv Sihag, AAG Haryana

Ms. Pranjili Garg, Advocate for the complainant

AMAN CHAUDHARY. J.

1. At the outset, learned counsel for the petitioners submits that inadvertently due to typographical mistake Section 279-A IPC has been mentioned instead of Section 379-A IPC in the headnote as well as in the prayer clause of the petition and prays for necessary correction therein.

2. Learned State counsel has no objection to the prayer made by the learned counsel for the petitioners.

3. At oral request of the learned counsel for the petitioners and with no objection from learned State counsel, Section 279-A IPC is ordered to be replaced with Section 379-A IPC, which finds a mention in the FIR and order dated 02.06.2023 passed by learned Sessions Judge, Fatehabad, dismissing the bail application. Registry is directed to carry out the necessary amendment.

4. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in case FIR No.148 dated 13.03.2023, registered under Sections 379-A, 201 and 34 IPC, at Police Station City

Fatehabad, District Fatehabad.

5. Learned counsel contends that the petitioners are in custody for the last about 3 months. They have been falsely implicated in the present case by the local police, as they were arrested on 15.03.2023, but it was shown on 16.03.2023. Challan stands presented on 17.05.2023, however, charges have not been framed and in all there are 11 witnesses. The petitioners are not involved in any other case. Nothing remains to be recovered as recovery stands already effected.

6. Learned State counsel opposes the bail on the ground that the petitioners were apprehended at the spot and recovery of Rs.4200/-, a mobile phone and a car has been effected from them and there are serious allegations against them. He is however unable to controvert the submissions regarding the custody, stage of the case and they being not involved in any other case.

7. Heard.

8. In view of the facts and circumstances of the case, in particular that the petitioners are in custody for the last about 3 months; they are not involved in any other case; recovery has already been effected; challan has been submitted, however, charges have not yet been framed; in all there are 11 witnesses; the trial is likely to take considerable time and their further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

9. As a result, the present petition is allowed. 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 they 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 are 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 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 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.

10. 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 petitioners by this order.

11. 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

15.06.2023
S.Sharma(syr)

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