

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

243

CRM-M-31216-2023

Date of decision: 06.07.2023

Deepak

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mandeep Singh Kundu, 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. 269 dated 29.04.2022, registered under Section 304 of the Indian Penal Code, 1860 at Police Station Kharkhoda, District Sonipat.

2. Learned counsel contends that petitioner has been in custody for the last 1 year 2 months. He has been falsely implicated in the present case. The incident had taken place when the deceased who was an alcoholic and his wife were fighting in the middle of the night and he fell off the roof, in which the petitioner though their neighbor, had no role to play. The petitioner is a poor person, working as a labourer and is living in the house of his married sister, as his parents had expired. He has no criminal antecedents. Charges have been framed on 19.09.2022, however, none of 15 Pws have been examined. Learned counsel has produced copy of Zimni orders passed by the trial Court wherein it is

depicted in order dated 06.03.2023 that PW- Renu who is the complainant as also PWs Sahil and Neeraj were present and filed an application that they are unable to give evidence being not well, as such the case was adjourned to 27.04.2023 on which date, no PW came present.

3. Learned State counsel opposes the bail on the ground that there are allegations against the petitioner of having pushed the deceased from the roof during the scuffle that had taken place when the deceased and his wife were arguing in the middle of the night. However, he is unable to controvert the submissions with regard to the custody, stage of the case, the petitioner being not involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner has been in custody since last 1 year 2 months; he is not involved in any other case; charges have been framed but out of 15 Pws, none have been examined; the trial is likely to take considerable time, thus, 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 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.

7. 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 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

06.07.2023

Mehak

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