

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CRM-M-31688-2023 (O&M)
Date of decision: 28.08.2023

Devi Singh ..Petitioner

Versus

State of Haryana ..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Vishal Singh, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.105 dated 29.05.2020, registered under Sections 148, 149, 323, 325, 307, 201 IPC and Section 25 of Arms Act, at Police Station Sanoli, District Panipat.
2. Learned counsel contends that the petitioner is in custody for last 3 months and 11 days. He is not named in the FIR. It is during the investigation that his name along with co-accused Nabab @ Nawab, Sukhpal, Jony @ Jogindra and Ompal had surfaced, who have been granted interim/anticipatory bail by this Court vide order dated 15.06.2023. No specific injury is attributed to the petitioner. There was a fight that took place between two groups wherein both the parties have received injuries, however, no cross DDR was registered at the behest of the petitioner and his co-accused. As per the allegations in the FIR, grievous injuries were attributed to co-accused, Shiv Charan, Mahipal and Sansar. Co-accused Abhishek @ Taraspal, who was named in the FIR and stated to be a member of unlawful assembly however, no specific injury is

attributed to him, was granted regular bail by this Court vide order dated 26.05.2023, Annexure P4 after having been in custody for about 2 months, as also co-accused Rampal, Sonu and Vinod, were granted regular bail by this Court vide orders dated 10.11.2022, 27.02.2023 and 19.12.2022. Challan stands presented on 26.07.2023, charges are yet to be framed and in all there are 43 witnesses. He is not involved in any other case.

3. The custody certificate dated 25.08.2023, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 3 months and 11 days.

4. Learned State counsel opposes the bail on the ground that the petitioner had actively participated in the commission of offence being part of unlawful assembly. He is however unable to controvert the submissions made regarding the stage of the case, petitioner not being involved in any other case and co-accused have been granted anticipatory/regular bail.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 3 months and 11 days; not involved in any other case; co-accused have been granted bail; though challan has been presented on 26.07.2023, but charges have not been framed and in total there are 43 witnesses; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, 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:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) 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.
- (v) 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.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) 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.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) 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.

28.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No