

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

212

CRM-M-37083-2021 (O&M)

Date of decision: 01.08.2023

Aman

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sunil K.Nehra, 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 the grant of regular bail to the petitioner in case FIR No.489 dated 23.12.2020, registered under Sections 346, 302, 201, 120-B IPC and Section 25 of Arms Act (Section 34 IPC and Section 27 Arms Act added later on) at Police Station City Rewari, District Rewari.

2. Learned counsel contends that the petitioner is in custody for the last about 2 years and 7 months. He has been falsely implicated in the case. The attribution to the petitioner is of having hired his own employees for the commission of the offence. No recovery has been effected from him. He is not involved in any other case. The charges were framed on 09.08.2021. Complainant stands examined, besides 6 more. There are 44 prosecution witnesses in all.

3. The custody certificate dated 31.07.2023, filed by learned State counsel is taken on record, as per which, the petitioner has been behind bars for 2

years 7 months and 6 days.

4. Learned State counsel opposes the bail on the ground that there are serious allegations against the petitioner of having hired the co-accused for the commission of the offence and he had a motive as well, since the deceased owed some money to him, but was not returning the same. He is however unable to controvert the submissions regarding the stage of the case, complainant has been examined and the petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last almost 2 years 7 months; not involved in any other case; no recovery has been effected from him; though charges stand framed on 09.08.2021, however, only 7 out of 44 PWs have yet been examined, including the complainant as PW-8; the trial is likely to take considerable time and thus his further incarceration would not serve any useful purpose, as such 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 him 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.

(AMAN CHAUDHARY)
JUDGE

01.08.2023

S.Sharma(syr)

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