

CRM-M-23863-2022 (O&M)
CRM-M-33707-2022 (O&M)

2023:PHHC:049123
-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-23863-2022 (O&M)
Date of decision: 11.04.2023

SANDEEP KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CRM-M-33707-2022 (O&M)

VIJAY KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. SPS Sidhu, Advocate
for the petitioner in CRM-M-23863-2022.

Mr. Kamal Gupta, Advocate
for the petitioner in CRM-M-33707-2022.

Mr. H.S. Sullar, Sr. DAG Punjab.

Mr. K.S. Brar, Advocate
for the complainant.

AMAN CHAUDHARY. J.

This common order shall dispose of above-mentioned two petitions
as they arise out of the same FIR.

The present petitions have been filed under Section 439 Cr.P.C. for
the grant of regular bail to the petitioners in respect of FIR No.29 dated
23.03.2022, under Sections 323, 325, 341, 342, 506, 148, 149 of IPC (Section 307
IPC added later on), registered at Police Station City Jalalabad, District Fazilka,
Punjab.

Learned counsel contends that the petitioners are in custody for the last one year. No injury was attributed to the petitioners, however, the co-accused Rajnish, Om Parkash and Ashok are alleged to have inflicted injuries to the complainant. They are not involved in any other case. Though, charges had been framed in this case, however, none out of 19 witnesses, none have been examined.

Learned State counsel assisted by learned counsel for the complainant opposed the bail on the ground that there were serious injuries, which were caused by the co-accused to the complainant. They are however unable to controvert the submissions with regard to the custody, stage of trial and they being not involved in any other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioners are in custody for the last one year; they are not involved in any other case; though the charges have been framed in this case, however, no prosecution witnesses has yet been examined, the trial is likely to take a considerable time, their further detention behind bars would not serve any useful purpose, thus the present petitions for grant of regular bail deserves to be allowed.

As a result, the present petitions are 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 them 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 is 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 them 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 his 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.

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.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

April 11, 2023
M.Kamra

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