

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

227

CRM-M-32548-2023 (O&M)
Date of decision: 04.09.2023

Naseeb Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Abhivadya Sood, 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.210 dated 29.05.2022, registered under Sections 302, 460 and 34 IPC, at Police Station Sadar Rohtak, District Rohtak.

2. Learned counsel contends that the petitioner is in custody for 1 year and 3 months, having been arrested on 05.06.2022. His name surfaced based on the statement of Babli, who is the sister of the deceased, which was recorded after 5 days of incident on 03.06.2022, on the basis of an inquiry conducted by herself, whereas, in her first statement on 29.05.2022, the name of the petitioner was not mentioned. She is neither the complainant nor an eye-witness. Even the complainant-Rajender has not mentioned the name of the petitioner. It is a case of circumstantial evidence. There are disclosure statements of the petitioner and co-accused in the case allegedly made in police custody, which are of

no evidentiary value. Co-accused Vakil @ Monu and Joginder have been granted regular bail vide orders dated 21.03.2023 and 05.05.2023 (Annexures P2 and P3). Charges have been framed on 17.03.2023, but none out of 31 prosecution witnesses has been examined. Copy of order dated 16.08.2023 passed by the trial Court has been produced, as per which, the bailable warrants have been issued for procuring the presence of PWs Surinder, Anand and complainant Rajender and summons issued to PW Babli have been received back served but none has appeared. Now bailable warrants have been issued for 01.11.2023. The petitioner is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that there is recovery effected from the petitioner and his co-accused of blood stained clothes. He is however unable to controvert the submissions made regarding the stage of the trial and petitioner not being involved in any other case and co-accused have been granted regular bail.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 1 year and 3 months; not involved in any other case; co-accused have been granted bail; charges were framed on 17.03.2023, but out of 31 prosecution witnesses none has yet been examined, 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.

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:-

- (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.

7. 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.

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.

04.09.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No