

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215 (II)

CRM-M-34539-2022 (O&M)

Date of decision: 22.02.2023

SUNDER

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Manoj Tanwar, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG Haryana.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.543 dated 13.12.2021, under Sections 307, 34 IPC (later on Section 506 IPC has also been added) and Sections 25/27 of Arms Act, registered at Police Station Rohtak Sadar, District Rohtak.

Learned counsel contends that the petitioner is in custody for the last 1 year and 2 months. The injury attributed to the petitioner is on a non-vital part, as the alleged shot hit the arm of the complainant. There is no previous enmity between the parties. He is not involved in any other case. Charges in this case were framed on 21.05.2022, however, out of 19 prosecution witnesses, none has yet been examined. He produced the copy of the zimni orders passed by learned Sessions Judge, Rohtak to contend that complainant-PW Mukesh and PW Baljeet are not appearing in the Court, despite issuance ofailable warrants.

Learned State counsel opposes the bail on the ground that the injury

with a firm arm has been attributed to the petitioner, one country-made pistol and live cartridges were recovered from him and his co-accused Aman @ Billa. However, she is unable to controvert the submissions made by learned counsel for the petitioner, with regard to the custody, not being involved in any other case and the stage of trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year and 2 months; he is not involved in any other case; charges were framed on 21.05.2022; out of 19 prosecution witnesses, none has yet been examined; the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

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:-

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 deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he 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 petitioner 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.

(AMAN CHAUDHARY)
JUDGE

February 22, 2023

M.Kamra

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