

...Petitioner

...Respondent

further submits that medical condition of the petitioner is deteriorating in judicial custody and he was also admitted in Department of Psychiatry, Civil Hospital, Ambala city from 04.03.2023 till 06.03.2023 during his confinement in Central Jail, Ambala. Learned counsel for the petitioner submits that petitioner is 33 year old, unmarried person and having old parents to look after. His serious medical ailment is on record as reflected in Annexures P-3 and P-4. He further submits that no other case is pending against the petitioner.

4. Per contra, learned State counsel on instructions from SI Vijay Kumar opposes the bail petition. He submits that material witnesses are yet to be examined. He does not deserve concession of bail, at this stage. However, he admits that no other case is pending against the petitioner. On a Court query, learned State counsel does not dispute the medical status of the petitioner.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. On a Court query, learned State counsel informs that challan has been presented and charges have been framed. Being so, trial has commenced petitioner is not required for any further custodial interrogation and is being kept in preventive custody only on the suspicion of tampering with the evidence and/or influencing the witnesses. Out of 13 prosecution witnesses, none has been examined so far. Trial is likely to take a long time. Whereas, petitioner has already been in jail for the past more than seven months, being behind bars since 07.12.2022. Bail allows an accused to maintain his freedom until his guilt or innocence is determined.

7. There is no likelihood that petitioner might flee or not appear in Court if released on bail. Petitioner has clean antecedents. Be that as it may, offence allegedly committed by the petitioner is of non-violent nature and in that sense his release on bail is not a threat to society at large by committing any violent crime.

8. Considering the overall scenario and without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody.
9. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Magistrate, as the case may be.
10. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.
11. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.
12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

17.07.2023

vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No