

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CRM-M-33575-2023 (O&M)
Date of decision: 20.07.2023

Aman

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Lalit K. Narang, Advocate for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.108 dated 29.04.2023, registered under Section 406 IPC (Section 420 IPC added later on), at Police Station Rohtak Civil Lines, District Rohtak.
2. Learned counsel contends that the petitioner is in custody for the last 2 months, 18 days. He and the complainant were staying together in a paying guest accommodation at Tilak Nagar, Rohtak in the same room. The allegation against him is of having gambled in IPL cricket match with the money that he withdrew from the account of the complainant. A mobile phone stands recovered from the petitioner. The case is triable by Magistrate. Challan stands presented and charges are yet to be framed. There are 11 witnesses. He is not involved in any other case.
3. Learned State counsel opposes the bail on the ground that there is specific allegation against the petitioner of having withdrawn the

amount of Rs.93,000/- from the account of complainant and a mobile phone has been recovered from him. He is however unable to controvert the submissions made regarding the custody, stage of the trial and the petitioner not being involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for almost 2 months, 18 days; not involved in any other case; it is a case of magisterial trial; charges have not been framed; in all there are 11 PWs; 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.

20.07.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No