

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

229

CRM-M-34772-2023(O&M)

Date of decision: 25.07.2023

Jitender

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Satbir Singh, Advocate for the petitioner

Mr. Dhruv Sihag, AAG Haryana

AMAN CHAUDHARY, J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.429 dated 21.07.2022, registered under Section 379B IPC (Sections 411, 201 and 34 IPC added later on), at Police Station Ganaur, District Sonipat.

2. Learned counsel for the petitioner orally requests that Section 379 has been mentioned in the headnote and prayer clause of the petitioner, however, inadvertently, Section 379-B IPC has not been mentioned, which is so reflected in the FIR as also in the order rejecting his bail by the learned trial Court. The learned State counsel affirms the aforesaid fact and has no objection. The said prayer is allowed. Registry is directed to make the necessary corrections accordingly.

3. Learned counsel contends that the petitioner is in custody for the last about 7 months. His name surfaced based on the disclosure statement of co-accused Vikas @ Vicky, who is in custody. No recovery has been effected from the petitioner. He has been falsely implicated. Charges have been framed on

28.03.2023, however, out of 9 prosecution witnesses, none have been examined.

The petitioner is not involved in any other case.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner by the co-accused Vikas @ Vicky of being along with him at the time of commission of the offence. He is however unable to controvert the submissions with regard to custody, stage of case and the petitioner is not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last about 7 months; is not involved in any other case; no recovery has been effected from him; his name surfaced based on disclosure statement of co-accused; charges stand framed on 28.03.2023; however, out of 9 prosecution witnesses, none have 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.

7. 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.

8. 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.

9. 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.

10. Registry is also directed to make necessary changes in view of the oral request made by learned counsel for the petitioner.

(AMAN CHAUDHARY)
JUDGE

July 25, 2023
M.Kamra

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