

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-36670-2022 (O&M)

Date of decision: 28.02.2023

SUKHVINDER SINGH ALIAS SP

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, 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.714 dated 15.10.2019, under Sections 120-B, 148, 149, 295, 302, 307, 323, 324, 427, 326, 212, 452, 506 of IPC and Section 25 of Arms Act and SectionS 3(2) (v) and 4 of the Schedule Case/Schedule Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station Assandh, District Karnal.

Learned counsel contends that the petitioner is in custody since 10.05.2022. Though, he has been named in the FIR and have been shown armed with small *gandasi*. However, no overt act has been attributed to him. Co-accused Karamjit Singh alias Karma, who was arrested on 10.05.2022 has also since been granted regular bail by this Court vide order dated 22.02.2023 and other co-accused have also been granted regular bail, orders of the same are annexed as Annexure P-13. Only 10 out of 30 prosecution witnesses have yet been examined. He is not involved in any other case.

Learned State counsel opposes the bail on the ground that the petitioner was named in the FIR and had participated in the crime. One more FIR under Section 174-A IPC has been registered against him. He is however unable to controvert the submissions made by learned counsel for the petitioner, with regard to the custody, stage of the trial and co-accused have been granted regular bail.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 10.05.2022; he is not involved in any other case; co-accused have already been granted regular bail; only 10 out of 30 prosecution witnesses have 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 28, 2023

M.Kamra

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