

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

228

CRM-M-34698-2023(O&M)
Date of decision: 05.09.2023

Vikram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Gagandeep Singh Sirphikhi, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.747 dated 03.10.2022, registered under Sections 323, 324, 325, 307, 506 and 34 IPC and Section 25 of the Arms Act, at Police Station Rohtak City, District Rohtak.

2. Learned counsel contends that the petitioner is in custody for 10 months. It is case of version and cross version wherein the complainant had also inflicted injuries in the same occurrence upon the brother of the petitioner, who got 12 stitches and FIR No.573 of 2022, under Sections 323, 324, 341, 354, 148, 149, 34 IPC was got registered by him as the complainant party to outrage the modesty of the real sister of the petitioner, who also made a statement under Section 164 CrPC. Co-accused Avinash has been granted bail in the present case. He is not

involved in any other case under the IPC. Charges were framed on 22.05.2023 however, the complainant is not coming forward for examination, as is reflected in order dated 11.08.2023 produced in Court and the next date is fixed before the trial Court is 03.11.2023. In all there are a total of 24 prosecution witnesses.

3. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of having inflicted knife blow in the stomach of the complainant. He is however unable to controvert the submissions made regarding the custody, stage of the trial, petitioner not being involved in any other case under the IPC, co-accused has been granted bail and there being a cross FIR registered by the brother of the petitioner regarding the same incident.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 10 months; not involved in any other case under the IPC; co-accused has been granted bail; it is a case of version and cross version; though charges were framed on 22.05.2023, there are 24 prosecution witnesses, none has been examined so far, 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.

05.09.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No