

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

[Sr. No.221]

CRM-M-38456-2022

Date of decision : 15.02.2023

Ashok Kumar

.....Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Mohit Rathee, Advocate for the petitioner.

Ms. Aditi Girdhar, 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.443 dated 16.12.2021 for offence punishable under Sections 379-A, 392, 204, 201 and 34 of Indian Penal Code, 1860(Section 411 IPC added later on) and Section 25 of the Arms Act, 1959, registered at Police Station Asaudha District Jhajjar.

Learned counsel contends that the petitioner is a student has been in custody since 16.12.2021 and he is not involved in any other case under Section 379-A IPC. Though challan stands presented and the charges have been framed against the petitioner on 29.03.2022, however, two witnesses out of total 14 prosecution witnesses have yet been examined. There was no '*Test Identification Parade*' conducted by the police as the petitioner was not named in the FIR. His name in the present case has come on the basis of disclosure statement of co-accused.

Learned State counsel, on instructions from ASI-Mukesh Kumar, opposes the bail on the ground that the petitioner has been involved in one more FIR for offence under Sections 323, 341 and 506 IPC. The purpose of the

victim was not recovered from the possession of the petitioner hence Section 201 IPC was added in the FIR. She is unable to controvert the submissions made by learned counsel for the petitioner with regard to the status of trial, the custody and he not being involved in any other case under Section 379-B IPC.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner who is a student has been in custody since 16.12.2021; he was not named the FIR; he is not involved in any other case under Section 379-B IPC; challan stands presented and the charges were framed on 29.03.2022; however only two witnesses out of total 15 prosecution witnesses have yet 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 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.

15.02.2023
ANJAL

[AMAN CHAUDHARY]
JUDGE

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