

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

[Sr. No.220-2]

CRM-M-39758-2022

Date of decision : 15.02.2023

Lovely

.....Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Vikas Bishnoi, 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.61 dated 02.03.2022 under Sections 379-B and 34 of Indian Penal Code, 1860(Sections 406, 407, 193, 194, 195, 196 and 120-B IPC have been added later on), registered at Police Station Sadar Tohana, Tehsil Tohana District Fatehabad.

Learned counsel contends that the petitioner is in custody since 04.03.2022 and though the FIR lodged under Sections 379-B, however, charges have been framed against the petitioner only under Sections 411 and 120-B IPC. He is not involved in any other case. None out of total 16 prosecution witnesses has yet been examined. He further contends that the petitioner is not named in the FIR.

Learned State counsel opposes the bail on the ground that the petitioner in connivance with the other co-accused committed serious offence. There was a recovery of Rs.79,000/- from the petitioner. Though the petitioner is not named in the FIR, but his name had surfaced on the basis of disclosure statement of the co-accused. However, he is unable to controvert the

submissions made by learned counsel for the petitioner with regard to the status of trial and the custody of the petitioner.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 04.03.2022; he is not involved in any other case; he is not named in the FIR; in all there are 16 prosecution witnesses; however none has been examined so far; and charges have not been framed against him under Section 379-B IPC; 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