

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

245

CRA-S-2130-2023 (O&M)  
Date of decision: 04.09.2023

Rinku

....Appellant

**Versus**

State of Haryana and Another

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Akash Yadav, Advocate for the appellant

Mr. Dhruv Sihag, AAG Haryana

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**AMAN CHAUDHARY. J.**

1. The present appeal has been preferred under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the Appellant against the rejection of the application under Section 439 Cr.P.C.
2. Learned counsel contends that 26 years old appellant is in custody for 3 years and 1 month. His name surfaced based on the disclosure statement of co-accused Sagar. The role attributed to him is of having recced the place of occurrence. The fatal injury has been attributed to co-accused Sagar, who being a juvenile was granted bail on 18.05.2022. Co-accused Amit @ Letha, who allegedly accompanied the above said co-accused Sagar at the time of occurrence, has been granted regular bail by this Court vide order dated 15.05.2023, Annexure P-6. Out of 26 prosecution witnesses, 16 (including the complainant and 2 eye witnesses, who have not supported the prosecution version) have been examined. The appellant is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that there are specific allegations against the appellant of having done recce of the place of occurrence, whereafter the other co-accused had gone to commit the offence. A motorcycle has also recovered from him and there was CCTV footage of the appellant and also the call details with the other co-accused. He is however unable to controvert the submissions with regard to custody, stage of the case, material witnesses having turned hostile, co-accused have been granted bail and the appellant is not involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the appellant is in custody for the last 3 years and 1 month; not involved in any other case; co-accused have been granted bail; material witnesses have been examined out of 26 prosecution witnesses, however, 10 still remain to be examined, the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present appeal for grant of regular bail deserves to be allowed.

6. As a result, the present appeal is allowed. The appellant 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 appellant shall abide by the following conditions:-

- (i) The appellant will not tamper with the evidence during the trial.
- (ii) The appellant will not pressurize/ intimidate the prosecution witnesses.
- (iii) The appellant will appear before the trial Court on each and every date fixed, unless is exempted by a specific

order of Court.

- (iv) The appellant 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 appellant 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 appellant shall not in any manner misuse his liberty.
- (vii) The appellant 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 appellant 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 appellant 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 appellant.

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 appellant 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.

(AMAN CHAUDHARY)  
JUDGE

September 04, 2023  
M.Kamra

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