

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

237

CRM-M-39459-2023 (O&M)

Date of decision: 18.08.2023

Mohammad Ibrahim

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S.K. Tripathi, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.9, dated 17.01.2022, registered under Sections 302 & 34 IPC at Police Station Sector 20, Panchkula.

2. Learned counsel contends that the petitioner is in custody for 1 year and 07 months. There is a delay of more than 07 days in lodging the FIR. The deceased had died on account of the injuries suffered by him due to fall on hard surface, as per the statement of the doctor. As a matter of fact, the petitioner, who is the father-in-law of the deceased, had taken him to the Civil Hospital, Sector 6, Panchkula for treatment. The co-accused, Rubina wife of the deceased has been granted regular bail by the trial Court, Annexure P-7. All material witnesses including the Investigating Officer have been examined but private witnesses have not supported the prosecution version. However, out of 11 witnesses remain to be examined. The petitioner is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that the

petitioner has been attributed specific injury with a danda on the head of the deceased whereafter he was pushed from the roof. He is however unable to controvert the submissions with regard to period of custody, stage of the case, co-accused has been granted bail and the petitioner is not involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 01 year and 07 months; not involved in any other case; co-accused has been enlarged on bail; 7 prosecution witnesses out of 18 have been examined including the complainant and material witnesses, 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 him 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.

(AMAN CHAUDHARY)
JUDGE

18.08.2023
Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No