

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

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CRM-M-40518-2023

Date of decision: 24.08.2023

Amarjeet

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sumit Sangwan, 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.385, dated 17.10.2019, Annexure P-1, registered under Sections 147, 148, 149, 302, 342 and 365 IPC (Sections 120-B and 452 IPC added later on) at Police Station Dadri Sadar, District Charkhi Dadri.

2. Learned counsel contends that the petitioner is in custody for 03 years and about 10 months, since his arrest on 19.10.2019. Though he was named in the FIR, however, no specific role was attributed to him. It was a case of matrimonial dispute between the sister of the petitioner and the deceased, on account of which he has been implicated. Complainant, who is the eye-witness, has been examined and thereafter, an application under Section 319 Cr.P.C. was filed by the prosecution as regards to some other accused, who were kept in column No.2, wherein co-accused Anita, wife of the deceased has been summoned. The prosecution evidence is to re-commence. The previous petition filed by the petitioner was withdrawn on 07.12.2022 whereafter, co-accused Ajay and Om

Parkash have been granted regular bail, after custody more than 3 years, 5 months , by this Court vide orders dated 17.07.2023 and 08.08.2023, Annexures P-9 & P-10 respectively. Even co-accused Om Parkash had also previously withdrawn his petition on 19.01.2023. In all there are 36 prosecution witnesses. The petitioner is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that the petitioner had actively participated in the crime and a rope was recovered from him. He is however unable to controvert the submissions with regard to the custody, stage of the case, co-accused have 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 03 years and 10 month; not involved in any other case; co-accused have been enlarged on bail; complainant-eye witness has been examined and in all there are 36 PWs; 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

24.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No