

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

213

**CRM-M-42768-2022
Date of decision: 26.04.2023**

Manjeet

....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. L. R. Sharma, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

AMAN CHAUDHARY. J.

1. 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. 55 dated 08.11.2019, under Sections 392, 397, 379-B IPC and Section 25 of the Arms Act registered at Police Station Bahu Akbarpur, District Rohtak.

2. Learned counsel contends that the petitioner has been in custody for the last about 1 year 8 months, having been arrested on 08.10.2021. He was not named in the FIR, however, it is based on the disclosure statement of the co-accused that he was implicated in this case. The petitioner was actually arrested in FIR No. 268 dated 07.10.2021 under the Arms Act. He is alleged to have made a disclosure statement in that case and the weapon shown to have been used to threaten the complainant in the present case is recovered from him in it. He alleges false implication. In the said FIR, he stands acquitted vide judgment dated 23.04.2023 passed by the Court of Judicial Magistrate 1st Class, Rohtak. Challan

has been presented but charges have not been framed and in all, there are 26 prosecution witnesses. He is involved in two other cases, one being under the Excise Act and is on bail in both of them. In this regard he relies on the judgment dated 16.01.2012 passed by Hon'ble The Supreme Court in Criminal Appeal No.159 of 2012 titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that the name of the accused was disclosed by the co-accused and a pistol was recovered from him. He is involved in two more cases, one of which is under IPC and the other under the Excise Act. However, learned State counsel is unable to controvert the other submissions with regard to the custody and stage of the trial.

4. Heard.

5. Hon'ble The Supreme Court of India in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

6. In view of the facts and circumstances of the case, the observations made in aforesaid judgment, and that the petitioner has been in custody for about 1 year 8 months; though, challan has been presented, however, charges have not been framed as yet and in all, there are 26 prosecution witnesses; the trial is likely to take 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.

7. 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 his 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.

8. It is made abundantly clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. 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.

(AMAN CHAUDHARY)
JUDGE

26.04.2023

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