

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

208

CRM-M-44896-2023(O&M)
Date of decision: 15.09.2023

Dharampal @ Pala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Anuj Arya, Advocate for
Mr. Rakesh K. Lathwal, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.393 dated 01.11.2020, registered under Sections 148, 149, 302, 341 and 427 IPC at Police Station Sadar Gohana, District Sonipat.

2. Learned counsel contends that the petitioner is in custody for 2 years and 10 months. There is no specific attribution to him of having caused any injury to the deceased, though recovery of one axe from him was shown, which is planted. Even otherwise as per the FSL report, Annexure P-1, the result regarding blood group on the said weapon is inconclusive. Certain co-accused who were attributed

allegations of having stopped the motorcycle of the deceased were declared innocent though subsequently were summoned under Section 319 Cr.P.C. and thereafter, granted anticipatory bail. Charges have been framed on 01.11.2022 and out of 20, only 2 prosecution witnesses including the complainant, have been examined. He is not involved in any other case.

3. The custody certificate dated 14.09.2023, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 2 years, 10 months and 1 day.

4. Learned State counsel opposes the bail on the ground that the petitioner was specifically named in the FIR along with other co-accused and kulhadi was recovered from him. He is however unable to controvert the submissions made regarding the stage of the trial, complainant stands examined, the petitioner not being involved in any other case and few of the co-accused have been granted anticipatory bail.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 2 years, 10 months and 1 day; not involved in any other case; co-accused have been granted anticipatory bail; charges were framed on 01.11.2022 and only 2 out of 20 prosecution witnesses, have been examined so far; complainant stands examined; 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.

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:-

- (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.

8. 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.

9. 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

15.09.2023

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No