

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

230

CRM-M-43416-2023(O&M)

Date of decision: 05.10.2023

Sonu Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Davinder Pal S. Jaura, 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.207 dated 07.05.2022, registered under Sections 186, 307, 332 and 353 IPC, at Police Station Urban Estate, Hisar.

2. Learned counsel contends that the petitioner is in custody for 1 year and about 2 months. There is a delay of one day in lodging the FIR. As per the allegations, the injury caused by the petitioner is on the hand of the complainant. Charges were framed on 19.01.2023 and there are 13 prosecution witnesses. However, the complainant and other witnesses are not coming forward for getting their statements recorded, to substantiate the same, zimini orders dated 15.03.2023, 20.04.2023, 18.05.2023 and 26.09.2023 have been referred to wherein in the last order, it has been recorded that despite service of summons PW ASI Krishan and HC Jai Parkash have not come present and their presence be secured through

bailable warrants for 29.11.2023. The petitioner is involved in one more case, wherein he is on bail. Reliance is placed on the judgment of Hon'ble The Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 04.10.2023, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 1 year, 1 month and 17 days.

4. Learned State counsel opposes the bail on the ground that there are serious allegations against the petitioner of having tried to run over the complainant when he was being tried to be apprehended in another case. He is however unable to controvert the submissions made regarding stage of the trial and the petitioner being on bail in the other case.

5. Heard.

6. Hon'ble The Supreme Court 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."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 1 year, 1 month and 17 days; on bail in another case; charges stood framed on 19.01.2023, but none out of 13 witnesses has been examined so far; 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.

8. 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.

9. 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.

10. 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.

05.10.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No