

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-45690-2022 (O&M)
Date of decision: 02.02.2023

MUKESH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG Haryana.

AMAN CHAUDHARY. J.

The 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.216 dated 13.04.2022, under Sections 323, 342, 34 IPC (Sections 307, 325 IPC added later on) registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel contends that the petitioner has not been attributed injury attracting Section 307 IPC. He was not named in the FIR and his name surfaced based on a supplementary statement of co-accused Sandeep Kumar after a delay of 14 days in lodging of the FIR. He is in custody since 10.05.2022. Charges have been framed way back on 06.10.2022, however, none out of 13 prosecution witnesses has yet been examined and he is not involved in any other case.

Learned State counsel has filed reply by way of affidavit of Subhash Chander, HPS, Deputy Superintendent of Police (HQ) Fatehabad. Same is taken

on record. He opposes the bail on the ground that there are serious allegations against the petitioner. However, he is unable to controvert the submissions made by learned counsel for the petitioner regarding the stage of the trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner was not named in the FIR and his name surfaced based on a supplementary statement of co-accused Sandeep Kumar; he is not involved in any other case; he is in custody since 10.05.2022; charges have been framed way back on 06.10.2022, however, none out of 13 prosecution witnesses has yet been examined, the trial is likely to take a 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.

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:-

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.

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.

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

February 02, 2023
S.Sharma(syr)

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