

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-46105-2022 (O&M)
Date of decision: 06.02.2023

KARAN ALIAS GOLU

....Petitioner(s)

Versus

U.T. CHANDIGARH

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. A.M. Punchhi, PP, U.T. Chandigarh.

Mr. B.S. Saini, Advocate
for the complainant.

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.042 dated 22.03.2022, under Sections 147, 148, 149, 341, 323, 307, 506 of IPC and Section 25 of Arms Act, registered at Police Station Mauli Jagran, District U.T. Chandigarh.

Learned counsel contends that the petitioner, who is 18 years old, is in custody since 13.04.2022. The injured was discharged from the hospital after two days of hospitalization. The matter has been amicably settled between the parties for which an affidavit dated 23.11.2022 has been filed as Annexure P3. Co-accused Monu alias Mona, Dharminder alias Chawal and Rohit alias Kancha have been granted regular bail by this Court. The petitioner as well as the injured are stated to be otherwise friends and it was a case of a sudden fight. Charges have not yet been framed and in all there

are 15 prosecution witnesses. He is not involved in any other case.

Learned Public Prosecutor opposes the bail on the ground that the petitioner is the main accused and caused grievous injuries to the son of the complainant. However, he is unable to controvert the submissions made by learned counsel for the petitioner regarding the stage of the trial, the custody of the petitioner and grant of bail to other co-accused.

Learned counsel for the complainant affirms the factum of the compromise having arrived at.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner, who is 18 year old, is in custody since 13.04.2022; is not involved in any other case; the dispute stands compromised; co-accused in this case had already been granted regular bail; charges have not been framed; in all there are 15 prosecution witnesses, 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 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 06, 2023

M.Kamra/S.Sharma(syr)

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