

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

229

CRM-M-44708-2023 (O&M)

Date of decision: 14.09.2023

Subhash

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ramnish Puri, Advocate for the petitioner

Mr. Ravish Kaushik, Addl. AG Haryana

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.13 dated 21.01.2022, registered under Sections 302, 323, 325, 148, 149 and 506 IPC, at Police Station Pillu Khera, District Jind.

2. Learned counsel contends that the petitioner, a 63 year old, is in custody for 1 year and about 8 months, having been arrested on 23.01.2022. As per the FIR, allegations against him are of having caused injuries with bricks and sticks, as were also attributed to co-accused Sanjay, who has since been granted regular bail by this Court vide order dated 20.07.2023, Annexure P-6. Further, it had been alleged that all other co-accused, who had subsequently caused injuries to the deceased as also to other members of the complainant party, have also been granted regular bail vide orders dated 20.09.2022, 30.09.2022 and 14.10.2022, Annexures P-3 to P-5. Charges were

framed on 25.08.2022, however, out of 27 prosecution witnesses, only the complainant has been partially examined, whereafter an application under Section 319 Cr.P.C. was filed to summon Anita, Sushma, Aarti and Ajay, who had earlier been declared innocent by the Police during investigation, which is still pending. The petitioner is not involved in any other criminal case.

3. The custody certificate dated 13.09.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for 1 year, 7 months and 19 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of having started beating the husband of the complainant along with co-accused Sanjay. He is however unable to controvert the submissions with regard to stage of the case, co-accused having been granted bail and the petitioner is not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is 63 years old, in custody for the last 1 year, 7 months and 19 days; not involved in any other case; co-accused have been granted bail; charges stand framed way back on 25.08.2022, however, only complainant has partially been examined out of 27 prosecution witnesses, 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

September 14, 2023
M.Kamra

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