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2023:PHHC:121378
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44816-2023

Date of Decision:14.09.2023

Kuldeep Chauhan

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Pardeep Panwar, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 418 dated 20.11.2019, registered under Sections 302, 212, 120-B, 34 of IPC and 25 of the Arms Act, Police Station NIT Faridabad, Haryana.

2. Learned counsel for the petitioner submits that in the present case the petitioner was arrested in the present case on 25.11.2019 and is in custody for the last about 03 years and 09 months. Learned counsel further contends that the FIR in the present case was registered against unknown persons. As per the complainant in the present case, a pillion rider with muffled face had fired shots at Subhash and as a result of said injuries, Subhash is stated to be died. Consequently, on the basis of the statement made by Khavita, the petitioner was also arrayed as an accused in the present case. Learned counsel further contends that only four witnesses out of total 45 witnesses have been examined by the prosecution and the next date of hearing before the Trial Court is fixed

on 11.10.2023. He further submits that in the present case PW-2 Mange Ram, PW-3 Rajinder Kalia and PW-4 Roop Chand had not supported the case of the prosecution and turned hostile.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had actively participated in the commission of crime and does not deserve the concession of bail.

4. I have heard the learned counsel for the parties and with their able assistance, I have gone through the record carefully.

5. From the record it is evident that the petitioner is in custody for the last 03 years and 09 months. He was arrayed as an accused in the present case on the basis of the disclosure statement made by the co-accused. Even similarly placed co-accused Bharat has been granted the concession of bail vide the order dated 02.08.2023 (Annexure P-4).

6. Without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not

surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st and 3rd Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

14.09.2023
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(N.S.SHEKHAWAT)
JUDGE

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