

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-47166-2022 (O&M)
Date of decision: 01.03.2023

ASHISH @ ASHI

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sachin Kaushik, Advocate for the petitioner

Mr. Dhruv Sihag, 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.357 dated 07.10.2020, under Sections 302 and 34 of the IPC (Section 25 and Section 29 of Arms Act added later on), registered at Police Station Gohana Sadar, Sonipat, District Sonipat.

Learned counsel contends that the petitioner is in custody for the last 2 years, 4 months and 20 days having been arrested on 09.11.2020. Though he was named in the FIR, however, no overt act has been attributed to him as the alleged shot was fired by the co-accused Ankush. The only evidence against him is stated to be of last seen. Charges were framed on 07.04.2021, however, out of 21 witnesses only 1 has been examined. He is not involved in any other case under the IPC.

Learned State counsel opposes the bail on the ground that the motorcycle used in the crime has been recovered from him, while the pistol was recovered from the co-accused. He submits that the petitioner is involved in one case under the NDPS Act. He is however unable to controvert the submissions

made by learned counsel for the petitioner with regard to custody and stage of trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 years, 4 months and 20 days; though charges were framed on 07.04.2021, however, out of 21 witnesses only 1 has 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

March 01, 2023

<i>S.Sharma(syr)</i>	
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>