

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

215

CRM-M-45349-2023(O&M)
Date of decision: 15.09.2023

Jagsir @ Jagseer @ Jaggu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Mayank Goyal, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.122 dated 26.08.2021, registered under Section 346 IPC (Section 346 deleted and Sections 147, 148, 201 read with 149 and Section 302 read with 34 IPC added later on), at Police Station Baragudha, District Sirsa.
2. Learned counsel contends that the petitioner is in custody for about 3 years. His name surfaced based on the disclosure statement of co-accused Vishal and Madan Lal. The allegations against the petitioner are of having given fist blows and slaps to the deceased along with other co-accused. He has been falsely implicated in the present case. No recovery has been effected from him. Co-accused Jasbir Singh @ Rahul has been granted regular bail by this Court vide order dated 07.08.2023 (Annexure P-4). Charges were framed on 25.05.2022, the complainant and another witness, who is a police official have been examined,

however, 24 more prosecution witnesses still remain to be examined. He is not involved in any other case.

3. The custody certificate dated 14.09.2023, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 2 years and 10 months.

4. Learned State counsel opposes the bail on the ground that the petitioner had actively participated in the commission of offence. He is however unable to controvert the submissions made regarding the stage of the trial as also the witnesses examined, petitioner not being involved in any other case and co-accused have been granted regular bail.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 2 years and 10 months; not involved in any other case; co-accused has been granted bail; implicated on disclosure statement of co-accused; no recovery has been effected from him; charges were framed on 25.05.2023; complainant has been examined, besides one more witness; there are a total of 24 prosecution witnesses, who remain to be examined; 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.

15.09.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No