

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

262

CRM-M-49473-2022
Date of decision: 15.05.2023

Amit @ Getha

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sahil Chowdhary, Advocate
for the petitioner
Mr. Dhruv Sihag, AAG, Haryana

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No. 267 dated 26.07.2020, registered under Sections 302, 34 and 506 IPC (Sections 450, 420, 120-B IPC, Section 25 of the Arms Act and Section 3 of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) at Police Station Adarsh Nagar, District Faridabad.
2. Learned counsel contends that initially, the petitioner who is 21 years old has been in custody for about 2 years and 9 months. His name has surfaced based on the disclosure statement of co-accused Sagar. No injury has been attributed to the petitioner. The role ascribed is of allegedly having placed the knife on the neck of an alleged eye witness, who was the aunt of the deceased. The attribution of the fatal injury is to co-accused Sagar, who was granted bail on

18.05.2022 being a juvenile. Out of total of 26 prosecution witnesses, 16 have been examined including the complainant and two eye witnesses who have not supported the version of the prosecution. He is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that there is a specific allegation against the petitioner of having participated in the occurrence and there is a CCTV footage as well as call detail record with co-accused. A knife was recovered from him. However, he is unable to controvert the submissions with regard to the custody, stage of the case, material witnesses having not supported the prosecution case, attribution of injury to deceased being to co-accused Sagar and non-involvement of petitioner in any other case.

4. Heard.

5. In view of the facts and circumstances of the case, in particular that the petitioner aged 21 years is in custody for the last about 2 years 9 months; co-accused has been granted bail; he is not involved in any other case; 16 prosecution witnesses including the material witnesses have been examined, who have not supported the case, the trial is likely to take considerable time, his incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

6. 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:-

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.

7. It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

8. In view of the above, it is 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

15.05.2023

Mehak

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No