

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-49680-2022
Date of decision: 21.02.2023

NAVEEN

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Baljeet Beniwal, 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. 185 dated 25.05.2021 under Sections 148, 149, 323, 341 and 506 of the Indian Penal Code registered at Police Station Sadar Gohana, District Sonapat.

Learned counsel for the petitioner contends that the petitioner has been in custody since 08.09.2021. The allegations against the petitioner are that he alongwith 5 other co-accused had caused injuries collectively with wooden sticks and FIR under Section 323 IPC was registered but after 23 days on the death of the complainant, Section 302 IPC was added. He submits that all other 4 co-accused attributed similar role, have been granted regular bail, 3 of whom by this Court vide Annexure P-2 dated 21.09.2022 and one by the trial Court. He was involved in one other case bearing FIR No. 143 dated 05.07.2012 under Sections 307, 34 IPC and Section 25 of the Arms act wherein he has been acquitted by the

Court vide judgment dated 18.05.2015. There is no other case against the petitioner and only 10 out of 26 prosecution witnesses including the material witnesses have been examined .

Learned State counsel opposes the bail on the ground that the petitioner alongwith other co-accused with common intention had caused the injuries to the deceased. However, he is unable to controvert the other submissions made by learned counsel for the petitioner in particular with regard to custody, stage of the trial and that the petitioner being involved in one other case in which he has been acquitted.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody more than 1 year and 5 months; there are a total of 26 prosecution witnesses out of whom, 10 witnesses have 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 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.

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

21.02.2023
Mehak

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