

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-48979-2022 (O&M)

Date of decision: 01.05.2023

DEEPAK

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Parveen Sharma, Advocate
for the petitioner

Mr. Tanuj Sharma, 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 of FIR No.489 dated 28.06.2021, registered under Section 302 IPC (Sections 201 and 34 IPC added later on), at Police Station Kharkhoda, District Sonapat.

2. Learned counsel contends that the petitioner is in custody for the last 1 year and 10 months. Initially, the FIR was registered against unknown persons. It is on the supplementary statement of the complainant, the name of the petitioner had surfaced and the allegations against him were that he caught hold of deceased while co-accused Sanjeev had strangulated him. Out of 17 prosecution witnesses, 10 have been examined including the father, brother, uncle and mother of the deceased, who have not supported the case of the prosecution. Even the investigating officer stands examined. The petitioner is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that an active

role has been attributed to the petitioner. He is however unable to controvert the submissions with regard to custody, stage of trial, material witnesses having been examined, who however have not supported the prosecution case and the petitioner not being involved in any other case.

4. Heard.

5. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year and 10 months; not involved in any other case; out of 17 prosecution witnesses, 10 including complainant and father of the deceased 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.

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 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.

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

May 01, 2023
M.Kamra

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