

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

[Sr. No.104+207(A)]

CRM-M-49260-2022 (O&M)

Date of decision : 03.02.2023

Akash

....Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Abhijeet Sharma, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMAN CHAUDHARY, J.

CRM-42998-2022

This is application for placing on record the copy of the order dated 05.09.2022 passed by the Ld. Sessions Judge at Panipat as Annexure P-4).

The application is allowed as prayed, subject to all just exception. Copy of the order dated 05.09.2022 passed by the Ld. Sessions Judge at Panipat, is taken on record as Annexure P-4.

CRM-M-49260-2022

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.67 dated 30.01.2022 for offence punishable under Section 397 and 379-B of Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Old Industrial, Panipat District Panipat.

Learned counsel for the petitioner contends that the petitioner is in custody since 30.01.2022. Though the name of the petitioner was mentioned in the FIR, however, he was not present at the spot. It is during investigation, the complainant has specified that the petitioner was standing outside the shop

alongwith other co-accused named Ajay on the motorcycle and another person was guarding the shop. The main accused are Sehjad and Shaved, who were alleged to have committed the robbery and caused fire arm injury on the left thigh of the complainant. The charges have not been framed yet though the challan was presented on 28.04.2022 and there are total 11 prosecution witnesses in the case as well. Learned counsel also contends that the petitioner is not involved in other case.

Learned State counsel opposes the bail on the ground that the offence is serious in nature. The co-accused in connivance with the present petitioner have caused injuries to the complainant for committing the robbery. However, he is unable to controvert the submissions made by learned counsel for the petitioner with regard to the status of trial and that the petitioner is not involved in any other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 30.01.2022; challan stands presented on 28.04.2022; the charges have not been framed yet and there are total 11 prosecution witnesses; 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 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.

03.02.2023
ANJAL

[AMAN CHAUDHARY]
JUDGE

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