

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-49206-2022 (O&M)
Date of decision: 06.02.2023

SOMPAL

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Tanuj Sharma, 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. 172 dated 26.05.2022 under Sections 365, 395, 201 and 120-B IPC and under Section 25 of the Arms Act, 1959 registered at Police Station Kalayat, District Kaithal.

Learned counsel for the petitioner contends that the petitioner has been in custody since 31.05.2022 and the driver of the truck in question was Vijay, who has since been granted the concession of regular bail by the trial Court vide order dated 16.01.2023. The petitioner is stated to be sitting alongside the aforesaid co-accused Vijay and is not alleged to be the owner of the truck. The said truck alongwith material was recovered in the present case. All the co-accused have been granted bail. The challan was presented on 23.08.2022, however, charges are yet to be framed and in all, there are 15 prosecution witnesses; the petitioner is not involved in any other case.

Learned State counsel opposes the bail on the ground that the recovery was effected from the petitioner, however, is unable to controvert the fact with regard to the bail having been granted to the other co-accused including co-accused Vijay, who is the driver of the said truck and the stage 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 has been in custody since 31.05.2022 and is not involved in any other case and the challan has been presented on 23.08.2022, however, charges are yet to be framed and in all, there are 15 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 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

06.02.2023
Mehak

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