

CRM-M-49900-2022 (O&M)
CRM-M-54047-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-49900-2022 (O&M)
Date of decision: 20.02.2023

NARESH KUMAR ALIAS KALI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CRM-M-54047-2022 (O&M)

SONU ALIAS PITBULL

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mandeep Singh, Advocate for
Mr. Sanjeev Kumar, Advocate
for the petitioner in CRM-M-49900-2022.

Mr. K.S. Dargan, Advocate
for the petitioner in CRM-M-54047-2022.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

This common order shall dispose of the above-mentioned two criminal miscellaneous petitions as they arise out of same FIR.

The present petitions have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in respect of FIR No.134 dated 22.09.2021, under Sections 302, 323, 506, 148, 149 of the IPC (Section 325 IPC added later on) registered at Police Station Bahaw Wala, Tehsil Abohar, District Fazilka, Punjab.

Learned counsel contend that petitioners Naresh Kumar and Sonu are in custody since 30.09.2021 and 04.03.2022 respectively. Injuries attributed to the petitioner Naresh Kumar on the person of son of the deceased namely Nagar and to Sonu on the left knee of the deceased are simple in nature. They are not involved in any other case. Though charges were framed on 22.09.2021, however out of 35 prosecution witnesses, only 2 have yet been examined.

Learned State counsel opposes the bail on the ground that specific injury has been attributed to the petitioners and they in connivance with the other co-accused were present at the spot. He is however unable to controvert the submissions made by learned counsel for the petitioners regarding custody, stage of trial and that the petitioners are not involved in any other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioners Naresh Kumar and Sonu are in custody since 30.09.2021 and 04.03.2022 respectively; injuries attributed to the petitioners were simple in nature; they are not involved in any other case; though charges were framed on 22.09.2021, however, out of 35 prosecution witnesses, only 2 have yet been examined; the trial is likely to take a considerable time, their further detention behind bars would not serve any useful purpose, thus the present petitions for grant of regular bail deserves to be allowed.

As a result, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to them not being required in any other case. The petitioners shall abide by the following conditions:-

1. The petitioners will not tamper with the evidence during the trial.
2. The petitioners will not pressurize/ intimidate the prosecution witnesses.
3. The petitioners will appear before the trial Court on each and every date fixed, unless are exempted by a specific order of Court.
4. The petitioners shall not commit an offence similar to the offence of which, they are an accused, or for commission of which they are suspected of.
5. The petitioners 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 petitioners shall not in any manner misuse their liberty.
7. The petitioners shall furnish their 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 petitioners seek 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 petitioners shall deposit their passport, if any, with the Trial Court forthwith and in case, they do not have the passport, they 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 petitioners 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.

A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

February 20, 2023

S.Sharma(syr)

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