

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

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CRM-M-49671-2022

Date of Decision: 09.02.2023

ABHI

....Petitioner

V/S

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana

AMAN CHAUDHARY, J.

This petition has been filed under Section 439 of Code of Criminal Procedure, 1973 for grant of Regular Bail to the petitioner in FIR No.447 dated 14.10.2021 registered under Section 379-A IPC, at P.S. Ambala Cantt, District Ambala.

Learned counsel for the petitioner contends that the petitioner who is 19 years old, is in custody w.e.f 04.06.2022 and the recovery of batteries has been effected from co-accused namely, Balwinder and Arun @ Dibbi who are in custody. The petitioner was released on bail in another FIR and on the very same day, he was falsely implicated in this case. The present FIR was lodged after a delay of 5 days. Charges have been framed on 05.12.2022 and 7 prosecution witnesses are yet to be examined.

Learned State counsel on instructions from Mr. Naveen Kumar, ASI opposes the prayer on the ground that the petitioner is habitual offender and two batteries were recovered from the petitioner. However, she is unable to controvert the fact as regards the stage of trial is concerned and the petitioner having been granted bail in the other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 04.06.2022; he is granted bail in the other case; though charges were framed on 05.12.2022, however the 7 prosecution witnesses are yet to be 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. Any infraction shall entail in withdrawal of the benefit granted by this Court.
- 8. 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.
- 9. 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 breach 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.

09.02.2023
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[AMAN CHAUDHARY]
JUDGE

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