

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-50807-2022

Date of decision: 13.01.2023

Subhash @ Subhash Singh

....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Priyavrat Parashar, Advocate
for the complainant.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in FIR No.224 dated 20.11.2021 under Sections 148, 149, 323, 341, 506 IPC (Sections 325 and 302 IPC added later on) registered at Police Station Titram, District Kaithal.

Learned counsel contends that the petitioner is in custody since 23.11.2021. All the allegations against him is not of having caused injuries to the deceased but to the complaint on the fingers for which reliance has been placed on the MLR (Annexure P-5). He further submits that co-accused Jaswinder Singh @ Jassu and Sailender @ Surender, who were also attributed injuries, though not specifically, have since been granted bail vide order dated 12.10.2022 (Annexure P-10) and all material witnesses have been examined and it is a case of version and cross-version which was recorded at the behest of the brother of the

petitioner, who is co-accused and has been summoned under Section 193 Cr.P.C. The trial is likely to take some time. There are 21 prosecution witnesses out of whom, 9 witnesses have been examined.

Learned State counsel as well counsel for the complainant oppose the present petition for regular bail on the ground that specific allegations have been levelled against the petitioner. However, he is unable to controvert the submissions made by learned counsel for the petitioner.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 23.11.2021; co-accused have since been granted bail vide order dated 12.10.2022; only 9 out of 21 prosecution witnesses 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.

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

January 13, 2023
Mehak

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