

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

224

CRM-M-51520-2022

Date of decision: 28.03.2023

Heera Singh

....Petitioner(s)

Versus**State of Punjab**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

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. 0144 dated 21.06.2018 under Section 302 and 120-B of the Indian Penal Code, 1860 registered at Police Station Tanda, Police District Hoshiarpur.

Learned counsel contends that the petitioner has been in custody for the last 2 years and 9 months having been arrested on 10.06.2020. The petitioner has been falsely implicated in the present case as at the time of the occurrence, he was not even present at the spot, as he was out of station being a truck driver. Complainant and two other material witnesses have been examined but have not supported the prosecution case. There are 18 prosecution witnesses out of which 11 are yet to be examined. He is not involved in any other case.

Learned State counsel has filed custody certificate which is taken on record, confirming the custody to be of 2 years and 9 months. He opposes the bail

on the ground that the deceased was the wife of the petitioner and he had motive of having committing the crime. However, he is unable to controvert the other submissions with regard to custody, stage of the trial, the petitioner being not involved in any other case and the complainant and two more material witnesses have been examined.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody for the last 2 years and 9 months; he is not involved in any other case; 7 witnesses including the complainant have been examined out of 18 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 his 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, she does not have the passport, she 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

28.03.2023

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