

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-51975-2022
Date of decision: 10.02.2023

YOGESH @ BANTI

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Parmod Parmar, Advocate
for the complainant.

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. 216 dated 24.06.2022 under Section 307 IPC (Section 34 IPC added later on) registered at Police Station Sector-6, Bahadurgarh, District Jhajjar.

Learned counsel for the petitioner contends that the petitioner has been in custody since 09.09.2022. Though, the petitioner was not named in the FIR, however, his name was surfaced based on a disclosure statement of co-accused Jagbir @ Leelu, as per which also, the role attributed to the petitioner is of only being present at the time of the alleged occurrence as the allegation of

having inflicted injury to Pawan is against Jagbir @ Leelu. In all there are 27 prosecution witnesses, out of whom only 3 have been examined including the complainant and the injured; the co-accused namely Jagbir @ Leelu and Vikas have already been granted the concession of regular bail.

Learned State counsel opposes the bail on the ground that the petitioner was part of the conspiracy and was present at the spot. However, he is unable to controvert the other submissions made by learned counsel for the petitioner in particular with regard to the stage of the trial, the co-accused having been granted bail as also the petitioner's non involvement in any other FIR.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 09.09.2022; the co-accused namely Jagbir @ Leelu who was attributed the injury attracting Section 307 IPC, who in his disclosure statement had named the petitioner, has been granted the concession of regular bail; the complainant and injured already stand examined; the petitioner is not involved in any other case; only 3 witnesses out of a total of 27 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

10.02.2023
Mehak

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