

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

215

CRM-M-53631-2022 (O&M)
Date of decision: 20.07.2023

Sanjay

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ramnish Puri, Advocate for the petitioner

Mr. Vikrant Pamboo, Sr. DAG Haryana

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.13 dated 21.01.2022, registered under Sections 302, 323, 325, 148, 149, 506 IPC at Police Station Pillu Khera, District Jind.
2. Learned counsel contends that the petitioner is in custody for the last 1 year and about 6 months. Though, he is named in the FIR, however, no specific injury on the person of the deceased has been attributed to him. He is similarly placed to co-accused Govind, Joginder and Krishna against whom also omnibus allegations of having caused injuries to the deceased were levelled, however, the

only difference being that petitioner and Subhash were alleged to have started beating the deceased with bricks and sticks outside his shop when he had just started to close the same, whereafter, all the accused started to beat him and he succumbed to injuries. Similarly situated co-accused have been granted regular bail vide orders dated 20.09.2022, 30.09.2022 and 14.10.2022, Annexures P-3 to P-5 respectively. The petitioner has no criminal antecedents. Charges were framed way back on 25.08.2022, and out of 27 witnesses, only the complainant was partially examined. However, an application under Section 319 CrPC was filed to summon Anita, Sushma, Arti and Ajay, who had earlier been declared innocent by the Police during investigation, which is still pending for 19.08.2023.

3. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner to have started beating the husband of the complainant along with co-accused Subhash. He is however unable to controvert the submissions regarding the custody, stage of the case, co-accused having been granted bail and petitioner being not involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 1 year and about 6 months; is not involved in any other case; co-accused have been granted bail; charges have been framed, however, there are 27 witnesses but only complainant was examined that too partially, whereafter an application under Section 319 CrPC has been filed, which is pending, the trial is likely to take considerable time and thus his further incarceration would not serve any useful purpose, as such the present petition for grant of regular bail deserves to be allowed.

6. 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:-

- (i). The petitioner will not tamper with the evidence during the trial.
- (ii). The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii). The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv). 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.
- (v). 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.
- (vi). The petitioner shall not in any manner misuse his liberty.
- (vii). 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.
- (viii). The petitioner shall not leave the country without prior permission of the trial Court.
- (ix). The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. It is made abundantly 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 petitioner by this order.

8. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as

an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

20.07.2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No