

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

[Sr. No.228]

CRM-M-55515-2022

Date of decision : 15.02.2023

Amit

.....Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Parveen Kaushik, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

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.0163 dated 05.04.2022 for offence punishable under Sections 379-B, 392, 397, 411 and 34 of Indian Penal Code, 1860 and Section 25 (1-B) (a) of 54 of the Arms Act, 1959, registered at Police Station Beri, District Jhajjar.

Learned counsel for the petitioner has produced a copy of order dated 02.02.2023 passed by Addl. Sessions Judge, Jhajjar. The same is taken on record. As per which, the summons were issued to the complainant, have been received back served but they did not appear before the Court. They be summoned throughailable warrants and the next date in the case is fixed for 06.05.2023. Learned counsel contends that the petitioner is 23 years old has been in custody since 05.04.2022 and he is not involved in any other case under Section 379-B. The name of the petitioner was uttered by the co-accused. Though the charges were framed against the petitioner on 18.08.2022, however, none out of total 15 prosecution witnesses has yet been examined. He further contends that co-accused of the petitioner, namely, Sachin and Deepak have already been granted bail.

Learned State counsel, on instructions from ASI-Parveen, opposes the bail on the ground that there was recovery of one motorcycle, Rs. 1000/-, one Gold Chain as well as driving licence of the complainant-Parveen from the present petitioner. However, she is unable to controvert the submissions made by learned counsel for the petitioner with regard to the status of trial and that the petitioner is not involved in any other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner who is 23 years old boy has been in custody since 05.04.2022; is not involved in any other case under Section 379-B; co-accused of the petitioner, namely, Sachin and Deepak have already been granted bail; challan stands presented and the charges were framed on 18.08.2022; none out of total 15 prosecution witnesses has yet 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 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.

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.

15 .02.2023
ANJAL

[AMAN CHAUDHARY]
JUDGE

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