

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-57731-2022
Date of decision: 16.02.2023

RAKESH @ CHINA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Tanuj Sharma, 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. 489 dated 26.09.2022 under Sections 379 and 420 IPC registered at Police Station Jind City, District Jind.

Learned counsel for the petitioner contends that the petitioner has been in custody since 28.09.2022. The petitioner was not named in the FIR and has been falsely implicated in the present case on account of having been involved in another FIR. No recovery has been effected from the present petitioner. As a matter of fact, he had tried to help the complainant for withdrawing the amount but the people outside the ATM presuming that he was the culprit, got him apprehended. The complainant has since been examined, who stated that the person who cheated him was not the petitioner. Charges have been

framed on 19.11.2022 and there are a total of 27 prosecution witnesses but only 2 have yet been examined and the trial is likely to take sufficiently long time.

Learned State counsel has filed custody certificate, same is taken on record. He opposes the bail on the ground that the petitioner was apprehended at the spot and ATM card was recovered from him. However, he is unable to controvert the other submissions made by learned counsel for the petitioner in particular with regard to custody, stage of the trial and that the complainant has since been examined.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 28.09.2022; charges have been framed on 19.11.2022; 2 prosecution witnesses including the complainant 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

16.02.2023
Mehak

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