

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

220

CRM-M-58022-2022

Date of decision: 27.04.2023

KAPIL KUMAR

....Petitioner(s)

Versus**STATE OF HARYANA**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mohit Nehra, Advocate
for the petitioner

Mr. Tanuj Sharma, AAG, Haryana

Mr. Vishal Garg Narwana, Advocate
for the complainant

AMAN CHAUDHARY. J.

1. Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case of FIR No. 472 dated 20.09.2022, registered under Section 408 IPC at Police Station City Jind, District Jind.
2. Learned counsel contends that the petitioner has been in custody for the last about 6 months. The allegations levelled against the petitioner are false. The offences are triable by the Magistrate. Challan has been presented on 17.12.2022 but charges have not been framed and there are 20 prosecution witnesses. He is not involved in any other case.
3. Learned State counsel opposes the bail on the ground that the allegations against the petitioner is of having misappropriated the amount of the Petrol Pump where he was employed. However, he is unable to controvert the submissions with regard to the custody, stage of the case and his non-involvement in any other case.

4. Heard.

5. In view of the facts and circumstances of the case, particularly that the petitioner has been in custody for the last about 6 months; is not involved in any other case; though challan has been presented, however, charges are yet to be framed and in all, there are 20 prosecution witnesses; the trial is likely to take 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.

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 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, he does not have the passport, he shall furnish a specific affidavit in this regard.

8. 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.

9. In view of the above, it is 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

27.04.2023

Mehak

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