

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-59314-2022

Date of decision: 10.10.2023

Mohit @ Baru

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. D. S. Gandhi, Advocate
for the petitioner

Mr. Baljinder Singh Virk, Sr. DAG, Haryana

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.393 dated 01.11.2020, registered under Sections 148, 149, 302, 341, 427 of the Indian Penal Code, 1860 at Police Station Sadar Gohana, District Sonapat.

2. Learned counsel contends that the petitioner is in custody for the last 2 years and about 11 months. The petitioner was named in the FIR, however, there is no specific injury attributed to him. Though, one *Danda* of the axe was shown to be recovered from him, which is planted. Co-accused Dharam Pal @ Pala and Kala (from whom *Kulhadi* was recovered) have been granted regular bail by this Court vide order dated 15.09.2023 after a custody of 2 years and 10 months. Few co-accused, who were declared innocent, were subsequently summoned under Section 319 Cr.P.C. and granted anticipatory bail. Charges were framed on 01.11.2022, however, only 2 out of 20 PWs including the complainant have been examined. The petitioner is not involved in any other case.

3. The custody certificate dated 09.10.2023 filed by the learned State counsel is taken on record, as per which, the petitioner is behind bars for 2 year and 11 months.

4. Learned State counsel opposes the bail on the ground that petitioner has been specifically mentioned in the FIR alongwith other co-accused and *Danda* of *Kulhari* were recovered from him. However, he is unable to controvert the submissions with regard to stage of the case, complainant having been examined, co-accused have been granted regular bail and few others anticipatory bail and petitioner is not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner has been in custody since last 2 years and 11 months; not involved in any other case; co-accused have already been enlarged on bail; charges stand framed on 01.11.2022, but out of 20 prosecution witnesses, so far only 2 have been examined, including the complainant; the trial is likely to take considerable time, thus, his further incarceration would not serve any useful purpose, as such the present petition for grant of regular bail deserves to be allowed.

7. 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:-

- (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.

8. It is made clear that in case of any infraction 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 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

10.10.2023
Mehak

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