

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

CRM-M-80-2023
Date of decision: 02.03.2023

KAPIL

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. K. P. Singh, Advocate and
Mr. Sarfaraz Gill, 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. 461 dated 30.12.2020 under Sections 120-B, 302, 307,34 IPC and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Urban Estate, Rohtak, District Rohtak.

Learned counsel contends that the petitioner has been in custody since 02.01.2021. The alleged dispute was over property of deceased Pooja, which stood already transferred in the name of the father of the petitioner on 10.12.2022. The petitioner is not involved in any other case. There are a total of 32 prosecution witnesses out of which only 11 witnesses have been examined. The alleged injured witnesses as well as the complainant, who have been examined, have not supported the case of the prosecution qua the petitioner.

Three co-accused namely Munni, Manjeet and Vikas @ Vicky have been granted the concession of regular bail.

Learned State counsel opposes the bail on the ground that the petitioner is alleged to have fired at the deceased Pooja and the weapon was recovered from him and he was seen in the CCTV footage. 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, that the petitioner not being involved in any other case and co-accused have been granted bail.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody for more than 2 years; he is not involved in any other case; co-accused have been enlarged on bail; there are a total of 32 prosecution witnesses out of whom only 11 have been examined, the complainant and injured namely Mohit are stated to have not supported the version of the prosecution; 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

02.03.2023
Mehak

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