

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

CRM-M-1777 of 2024

DATE OF DECISION :- 18.01.2024

Rajender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vikas Kumar, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 302 dated 06.07.2023, registered for the offences punishable under Sections 147, 149, 323, 341 and 506 of IPC (offences under Sections 325, 307 and 354-B of IPC have been added later on in the challan) and Section 25 of the Arms Act, 1959 at Police Station Sirsa Sadar, District Sirsa.

2. Counsel for the petitioner submits that the petitioner is in custody since 01.09.2023 & the challan already stands presented after completion of investigation; ten persons in total are stated to have attacked the injured & no specific injury is attributed to the petitioner. He has further contended that the petitioner is falsely implicated on account of party faction in the village. Thus, learned counsel for the petitioner submitted that regular bail be granted to the petitioner.

3. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail.

4. I have heard counsel for the petitioner as also learned State counsel and have gone through the available records of the case.

5. The petitioner was arrested on 01.09.2023; after completion of investigation challan stands filed on 10.11.2023 wherein total 28 prosecution witnesses have been cited and culmination of trial will take its own time. The aspect regarding factum of the petitioner being a part of an unlawful assembly or having a common object with other co-accused will be gone into during the course of trial. This Court does not deem it appropriate to delve into these rival contentions at this stage. The petitioner is stated to be in custody since 01.09.2023 and is not shown to be involved in any other case. Therefore, in considered opinion of this Court, further detention of the petitioner as an under trial is not warranted.

6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

9. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

18.01.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No