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

CRM-M-14931-2024(O&M)
Date of Decision: 03.04.2024

Mohinder Pal …Petitioner

vs.

State of Haryana …Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Parveen Sharma, Advocate, for the petitioner.

Mr. Karan Garg, AAG, Haryana.

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N.S.Shekhawat J. (Oral)

CRM-13231-2024

1. Application is allowed as prayed for, subject to just exceptions.

CRM-M-14931-2024

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.601 dated 25.07.2023 registered under Sections 308, 323 of IPC (later Sections 307, 120-B & 109 of IPC added and Section 308 IPC deleted), at Police Station Karnal City, District Karnal.

2. Learned counsel for the petitioner contends that the FIR was initially registered against unknown persons and there is no averment in the FIR, which even remotely connects the petitioner with the commission of crime. Later on, on the basis of the CCTV footage, Rajesh Kumar, co-accused was arrayed as an accused in the present case and was arrested on 23.08.2023. Even as per the case of the prosecution, the petitioner was not seen in the

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CCTV footage. He further contends that the petitioner was neither present at the place of occurrenc nor had caused any injuries to the injured in the present case. The petitioner was arrested in the present case on 31.08.2023 and is in custody for the last more than 07 months. He further contends that one more FIR No.448 dated 26.05.2010 under Section 379 IPC at Police Station Civil Lines Karnal, Karnal was ordered to be registered against the present petitioner, but the petitioner is on bail in the said case.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by the petitioner and submits that the petitioner does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner was initially not named in the FIR and has been arrayed as an accused on the basis of the statement suffered by his co-accused in the police custody. Apart from that, he was not even seen in the CCTV footage and his involvement in the crime is yet to be established by the prosecution before the trial Court, by leading evidence. Thus, further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with

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the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(N.S.SHEKHAWAT)
JUDGE

03.04.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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