



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

293

CRM-M-35002-2024 (O&M)
Decided on: 13.08.2024

BASANT

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Virendar Gill, Advocate for
Mr. Sagar Dangi, Advocate
for the petitioner(s).

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.532 dated 28.11.2023, under Sections 323, 341, 308, 506, 325 read with Section 34 IPC, registered at Police Station Kalanaur, District Rohtak.

2. Learned counsel for the petitioner submits that allegedly the petitioner along with the co-accused had caused grievous injuries to the complainant with bricks with an intention to kill him. He further submits that the petitioner has not been named in the FIR and no injury has been attributed to him. During investigation, it has also come on record that no articles/valuables were snatched by the petitioner from the complainant. He further submits that co-accused Rajesh has been granted bail by this Court vide order dated 08.08.2024 in CRM-M-15604-2024.

3. Learned State counsel has provided the custody certificate of the petitioner and as per which he has undergone an actual custody of 08 months and 05 days and there is no other case registered against him. He, on instructions, submits that challan was presented on 30.01.2024 and charges



were framed on 16.02.2024. Out of total 14 prosecution witnesses, only one has been examined till date and the next date before the learned Trial Court is 18.09.2024. However, he submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard the rival submissions made by learned counsel for the parties.

5. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner has undergone an actual custody of 08 months and 05 days. The challan was presented on 30.01.2024 and charges were framed on 16.02.2024. Out of total 14 prosecution witnesses, only one been examined till date and the next date before the learned Trial Court is 18.09.2024 and the co-accused has also been granted bail. The trial of the case will take considerable time and no useful purpose will be served by further detaining the accused.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also 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 witness(s).

(III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.

(IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which she is suspected.

(V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

13.08.2024
Kavita Nain

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