

case. Learned counsel further contends that in the present case, CCTV footage of entire occurrence was taken and it was found that the petitioner was not seen at the place of alleged occurrence. She further contends that the petitioner was arrested in the present case on 24.05.2021 and is in custody for the last more than 02 years and 10 months. She further contends that 15 more witnesses are yet to be examined by the prosecution and the conclusion of the trial may take quite a long time. Still further, the petitioner has been falsely involved in the present case with the aid of Section 120-B of IPC and the petitioner had not participated in the alleged occurrence.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there are six more cases against the present petitioner. However, it is admitted that the petitioner is already acquitted in three cases and in two other cases, the petitioner is on bail.

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

6. It is the admitted case of the parties that the petitioner was not visible in the CCTV footage, which was collected by the police during the course of investigation. The petitioner has been involved in the present case with the aid of Section 120-B of IPC and was arrested by the police on 24.05.2021. Apart from that, the prosecution has been able to examine only 20 witnesses, out of total 35 witnesses so far and the trial Court may take considerable time in concluding the trial proceedings.

7. 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 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.
- (viii) The petitioner shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

14.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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