

2. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR nor any specific injury has been attributed to him. As per the complainant, general and vague allegations have been levelled against several persons, who had allegedly caused injuries to him. Even the petitioner was arrested on 17.08.2024 without any evidence against him. He further contends that all the injuries in the present case have been declared to be

grievous in nature, still the police has wrongly invoked the offence under Section 109(1) of BNS. Learned counsel further contends that the final report under Section 173 Cr.P.C. has already been presented against the petitioner, however, the trial Court has not framed charge against him so far. Moreover, Virender alias Binder, co-accused has already been granted the concession of bail by this Court, vide order dated 04.12.2024 (Annexure P-2).

3. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Safidon, District Jind has been filed by learned State counsel in Court today and the same is taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner on the ground the petitioner is involved in three more FIRs and he 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. In the present case, admittedly, the petitioner is in custody for the last more than 08 months and the charge has not been framed against him so far. The injured/complainant has already been discharged from the hospital and is hale and hearty. Even the prosecution has not been able to point out any material to show that the petitioner is in a position to tamper with the prosecution evidence or may abscond from the process of law.

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 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 to 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 to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.*

(N.S.SHEKHAWAT)
JUDGE

05.05.2025
hemlata

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