

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

CRL. MISC. No.M-25886 OF 2017
DATE OF DECISION : 27th SEPTEMBER, 2017

Ravinder Singh alias Binda

.... Petitioner

Versus

The State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. R. S. Rai, Senior Advocate with
Mr. Dilpreet Singh, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

Mr. Premjit Singh Dhaliwal, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this second petition under Section 439 Cr.P.C. seeking regular bail in FIR No.38 dated 01.05.2015 registered under Sections 379, 447, 511, 506, 148 & 149 IPC read with Section 3(1) (4) of SC/ST Act, 1989 at Police Station Mehna, District Moga.

Heard learned counsel for the rival parties at length, including the complainant.

But for the registration of offence under Section 3(1) (4) of SC/ST Act, the petitioner would have been entitled to grant of bail in respect of the other offences, he having spent sufficient time in jail as under trial in the present case. There is one more reason for granting regular bail to him. The reason is that the present petitioner was granted

regular bail by this Court in the above offences and this Court had imposed certain conditions on him not to enter the Districts of Moga and Ludhiana. However it was proved by the complainant as well as by the prosecution that in violation of the condition imposed by this Court, the petitioner endeavored to enter District Moga with all audacity and with kind company of Police Inspector of Moga. He openly moved in the place that too along with the police officials as if the police officials were his close friends, making dangerous show to the common people. This Court, therefore, cancelled the bail granted to him by recording a categorical finding on evidence that he had violated the important condition imposed in the order granting regular bail and therefore, made himself liable for being again pushed in jail as under trial.

Thereafter, the present petition has been filed by him seeking relief of regular bail but then this Court adjourned the proceedings from time to time in order that material witnesses are cross-examined in the trial Court, so that the petitioner does not make any attempt to tamper with their evidence.

Learned counsel for the complainant however even now opposed the present petition for grant of regular bail stating that the petitioner is a habitual criminal.

I find that indeed there are some cases pending against him, particularly relating to offences against human beings but then this Court would have to look into the offences in the present FIR in which he seeks bail.

In my view, the petitioner should be released on bail particularly because the material witnesses, including the complaint, have now been examined before the trial Court. But then again care will have to be taken to re-impose the same conditions which were imposed earlier granting bail namely not to enter the Districts of Moga and Ludhiana except on the date of appearances before the concerned Court. At the same time the senior counsel for the petitioner submits that the petitioner would give undertaking not to breach any condition hereinafter or not to indulge in similar or same type of offences any more.

This statement of learned counsel for the petitioner is accepted. The aforesaid undertaking be filed within three weeks.

I have perused the deposition of the star witness of the prosecution i.e. Kamaljeet Singh PW-1. Upon perusal of his deposition, I find that with recording of the evidence of the witness it is not necessary to continue his detention as under trial.

In that view of the matter, I am inclined to grant bail to the petitioner. Hence, I make the following order.

ORDER

- (i) CRL. MISC. No.M-25886 OF 2017 is allowed.
- (ii) The petitioner be released on Bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner shall file an undertaking on affidavit as aforesaid within three weeks from the date of his release that he will not commit such type of offence again and shall abide by the

conditions not to enter the districts Moga and Ludhiana as made in the earlier order of granting bail.

- (iv) In case of violation of any condition the liberty is reserved in favour of the complainant and State to apply for cancellation of bail.

27th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

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