

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

CRM-M-8810-2019
Reserved on 10.12.2021
Pronounced on :14.12.2021

Parminder Singh

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Bhalla, Advocate
For the petitioner

Mr. Harsimar Singh Sitta, AAG, Punjab.

None for respondent No.4.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
276	04.10.2017	Daba, District Ludhiana	307/452/326/506/148/149 IPC and Section 302 added later on

1. The complainant aggrieved by the grant of regular bail to Varinder Kumar @ Bunty Bajwa-respondent No.4 in above-captioned FIR, came up before this Court under Section 439(2) CrPC seeking cancellation of bail.
2. Notice of the petition was duly served upon respondent No.4 and he chooses not to appear before this Court.
3. Vide order dated 26.11.2021, this Court had granted bail to respondent No.4. The relevant portion of the said order is extracted as under:-

“ By considering the period of custody undergone by the petitioner i.e. since 06.10.2017 and the role of the petitioner that he has caused injury to the injured and not to the deceased, which is simple in nature; even a single prosecution witness has not been examined so far, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court.”

4. A perusal of this order reveals that this Court had considered the entirety of facts and circumstances peculiar to the petition.
5. Be that as it may, Section 362 Cr.P.C. creates for recalling of the very bail order.
6. Under the grab of the Section 439 (2) Cr.P.C., the petitioner wants to review of the order passed by the Co-ordinate Bench of this Court, which is absolutely impracticable.

7. As per the allegations contained in Para No.9 of the petition whereby another FIR No.4 dated 03.01.2019, under Sections 452, 323, 506, 427, 148, 149 IPC was registered against respondent No.4.

8. Given above, this Court imposes further conditions to respondent No.4

9. The bail is subject to the condition that the petitioner shall not miss even a single date during the trial and shall make himself available on all dates fixed by the Trial Court. The petitioner shall not, in any manner, try to delay the proceedings and undertakes to appear before the concerned Court and to attend the trial on each date, unless exempted. In case of an appeal, on this very bond, the petitioner also promises to appear before the higher Court in terms of Section 437-A Cr.P.C.

10. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the Police, or the Court, or to tamper with the evidence.

11. Till the completion of the trial, the petitioner shall not contact, call, text, message, remark, stare, stalk, make any gestures or express any unusual or inappropriate, verbal or otherwise objectionable behavior towards the victim and victim's family, either physically, or through phone call or any other social media, through any other mode, nor shall unnecessarily roam around the victim's home.

12. Given the nature of allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within 30 days from today and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case.

13. Given the nature of allegations and the other circumstances peculiar to this case, the petitioner shall not enter within a radius of one kilometer from the victim's home till the completion of the trial. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (Crl.) 458); and Aparna Bhatt v. State of Madhya Pradesh, 2021 SCC Online SC 230.

14. During the trial's pendency, if the petitioner repeats or commits any offence where the sentence prescribed is more than seven years or violates any condition as stipulated in this order, it shall always be permissible to the respondent to apply for cancellation of this bail. It shall further be open for any investigating agency to bring it to the notice of

the Court seized of the subsequent application that the accused was earlier cautioned not to indulge in criminal activities. Otherwise, the bail bonds shall continue to remain in force throughout the trial and after that in terms of Section 437-A of the Cr.P.C.

15. Trial Court is directed to convey the condition imposed hereinabove to respondent No.4 alongwith downloaded copy of order from the website of this Court through counsel and will also record the same in the *zimni* order on the next date of hearing.

With the above said conditions, this petition is partially allowed.

(ANOOP CHITKARA)
JUDGE

December 14, 2021
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Whether speaking/reasoned:	Yes
Whether reportable:	No