

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 34789 of 2021 (O&M)

Date of Decision: 15.12.2021

Nagender Singh alias Arbind Chaudhary

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Yashpal Thakur, Advocate for the complainant.

SURESHWAR THAKUR, J. (ORAL)

CRM-42543-2021

The application is allowed as prayed for, and, Annexures P-3 to P-5 are taken on record.

CRM-M-34789-2021

1. In FIR bearing No. 0049 of 25.3.2021, registered at Police Station Bhawanigarh, District Sangrur, the offences under Sections 341, 323, 307, 458, 325, 201/34, and, 120-B IPC, are embodied..
2. The bail applicant-petitioner is in judicial custody for the last more than six months. Today, the SHO of the police station concerned, namely, SI Gurpreet Singh, has appeared before this Court, and, has divulged, that after completion of investigations into the afore FIR, a report under Section 173 Cr.P.C., has been filed before the learned Committal Court concerned, and, thereafter the accused concerned, have been committed for trial to the learned Sessions Court concerned. He has further

apprised this Court that after framing of charges, qua the afore drawn offences, the trial has opened. He has also made a statement before this Court, that the victim/injured, is both mentally as well as physically fit.

3. However, the learned counsel for the complainant, has vigorously argued that in case, the facility of bail is granted to the bail applicant-petitioner, there is every likelihood of his being fleeing from justice, and, tampering with the prosecution evidence. However, the afore made argument is not rested upon any tangible evidence, therefore, the same is rejected.

4. The cumulative effect of the afore made statement of the investigating officer concerned, is that this Court is constrained to admit the bail applicant-petitioner on bail.

5. Therefore, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance.

6. Copy *dasti*.

(SURESHWAR THAKUR)
JUDGE

December 15, 2021
Gurpreet

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