

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

CRM-M-2349-2022

Date of Decision: September 15, 2022

Rajan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Kushagra Mahajan, Advocate for the petitioner.

Mr. Manipal Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.154 dated 13.08.2021, under Sections 399, 402, 482 of IPC (Section 411 IPC added later on), registered at Police Station Sadar Faridkot, District Faridkot.

Learned counsel for the petitioner contends that though the petitioner has been named in the FIR but no overt act has been attributed to the petitioner as the allegations are only with regard to planning to commit dacoity. He further submits that co-accused Komalpreet Singh, who is also named in the FIR though no recovery has been effected from him, whereas an iron rod was recovered from the petitioner and has been granted bail by a co-ordinate Bench of this Court vide order dated 12.07.2022, only difference being that the petitioner is shown to be armed with iron rod whereas he was not.

Learned counsel for the petitioner further submits that the trial is yet to commence as no prosecution witness has been examined and the petitioner is in custody since 17.08.2021.

Learned State counsel opposes the prayer of the petitioner on the ground that the petitioner is involved in three other cases, one being under the Excise Act, the second being under Section 397 IPC and the third being under Sections 379-B and 201 IPC. However, learned State counsel is unable to dispute the fact that the petitioner is in custody since 17.08.2021 and that the co-accused has been granted bail by a co-ordinate Bench of this Court. However, learned State counsel on instructions from ASI Bent Singh submits that though charges have been framed; there are 12 prosecution witnesses and none has been examined till date.

In rebuttal, learned counsel for the petitioner submits that all the three FIRs as stated by the learned State counsel were lodged against the petitioner within a period of 10 days, which reflects that he has been falsely implicated in those cases and that he is on bail in them.

I have heard learned counsel for the parties.

While considering the facts and circumstances of the case, no overt act has been attributed to the petitioner; the petitioner is in custody since 17.08.2021; though charges have been framed but there are 12 witnesses; the trial is yet to commence; more so, that co-accused has been granted bail by a co-ordinate Bench of this Court; his further detention behind the bars would not serve any useful purpose, thus, the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

- “1. The petitioner will not tamper with the evidence during the trial.*
- 2. The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- 4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- 6. The petitioner shall not in any manner misuse his liberty.*
- 7. Any infraction shall entail in withdrawal of the benefit granted by this Court.”*

In view of the above, this Court makes it clear that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

September 15, 2022

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(AMAN CHAUDHARY)

JUDGE

Whether reasoned/speaking: Yes / No

Whether reportable: Yes / No