

CRM-39144-2022 in/and
CRM-M-23842-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-39144-2022 in/and
CRM-M-23842-2022

Date of Decision: November 21, 2022

Happy Singh @ Ammy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Karandeep S. Sidhu, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.(Oral)

CRM-39144-2022

Application is allowed as prayed for.

Annexures P-11 to P-16 are taken on record.

CRM-M-23842-2022

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.12 dated 20.01.2022, under Sections 392, 382, 384, 364-A, 365, 473, 120-B of IPC and Section 25 of Arms Act, registered at Police Station Sadar Kharar, District SAS Nagar (Mohali).

Learned counsel contends that regarding the allegations as mentioned in the present FIR, previously FIR No. 242 dated 22.12.2021 had already been lodged wherein the petitioner was granted regular bail vide order dated 18.05.2022, Annexure P-5. He further submits that the petitioner has been in custody since 20.01.2022. He submits that it is a case of false implication as the petitioner was picked up from his house by the police officials on 18.01.2022,

regarding which there is an affidavit furnished by the neighbour of the petitioner Annexure P-4. Though challan has been presented on 08.03.2022, however, charges have not been framed and in all there are 13 prosecution witnesses. Learned counsel further submits that co-accused of the petitioner have already been granted anticipatory bail by this Court, reference is made to orders Annexures P-6 to P-12.

Learned State counsel has produced the custody certificate, which is taken on record.

On the other hand learned State counsel opposes the bail on the ground that the petitioner was apprehended on the spot alongwith a country made pistol and six live cartridges and fake number plate. He submits that there are two more FIR against the petitioner. He, however is unable to controvert the fact that the petitioner has been in custody since 20.01.2022 and charges are yet to be framed in this case and the co-accused to the petitioner who were not apprehended at the spot have since been granted anticipatory bail by this Court.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 21.01.2022; charges are yet to be framed; co-accused had already been granted anticipatory bail by this Court; thus the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Resultantly, 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.
8. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
9. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in that regard.

It is made clear that in case of breach of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified 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.

November 21, 2022
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(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No