

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

CRM-M-24802-2022 (O&M)

Date of Decision: 21st September, 2022

Harbans Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Sant Pal Singh Sidhu, Advocate with
Mr. Sarbuland Mann, Advocate
for the petitioner.

Mr. Arun Luthra, Deputy Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

CM-24760-2022

This application is filed for addition of the Sections 465, 468,
471 IPC.

Notice of the application.

Learned State Counsel appearing on advance notice accepts
the same on behalf of the respondent and has no objection if the application
is allowed.

For the reasons mentioned in the application, the same is
allowed.

Main case

This second petition is filed seeking regular bail in case of
FIR No. 52 dated 13.4.2022 under Sections 420, 464, 506, 120-B, 465,
468, 471 IPC, 1860 and Section 25 of Arms Act registered at P.S. Cantt.

Ferozepur, District Ferozepur.

Earlier petition filed was dismissed as withdrawn with liberty to file afresh.

Learned Counsel for the petitioner submits that similarly situated co-accused-Angrej Singh was granted bail by the Sessions Court vide order dated 5.9.2022.

Learned State Counsel on instructions from SI Vijay Kumar is not disputing the parity of the petitioner viz-a-viz the co-accused Angrej Singh so far as grant of bail is concerned.

The operational paragraphs of the order granting bail to the co-accused is reproduced below :-

“5. Regular bail application of co-accused Harbans Singh was dismissed by this Court as at that time challan was not presented. Lateron police presented the challan on 9.6.2022 and charge was framed on 12.7.2022. Complainant Gurcharan Singh appeared as PW-1 but he has not supported the version of the prosecution and he was declared as hostile. He deposed on oath that the accused did not commit any fraud with him and he has seen them for the first time in the Court.

6. The applicant is in custody since 13.4.2022. Keeping in view all the aspects and in the interest of justice, this Court is of the considered opinion that conclusion of trial will take sufficient time and no useful purpose would be served by detaining him in custody. In these circumstances, the applicant is entitled to get concession of bail. Therefore, his application is allowed and the applicant is ordered to be released on furnishing personal bond in the sum of Rs. 1,00,000/-(one lack) with one surety bond in the like amount to the satisfaction of Illaqa Judicial Magistrate/Duty Magistrate, subject to the following conditions :-

- 1. That the applicant shall not leave the country without the prior permission of the Court.*
- 2. That the applicant shall not threaten the witnesses or tamper with the prosecution evidence in any manner.*

3. That the applicant shall regularly attend the hearings before the trial Court.

In case the applicant misuses the concession of bail by absenting from the proceedings without any sufficient and reasonable cause, learned trial Court shall be at liberty to cancel the bail order and proceed further under provisions of law.”

Without commenting on the merits of the case, considering that the petitioner is in custody since 13.4.2022, investigation is complete, on the basis of the parity with the co-accused, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned and further subject to conditions as follows :-

1. That the petitioner shall not leave the country without the prior permission of the Court.
2. That the petitioner shall not threaten the witnesses or tamper with the prosecution evidence in any manner.
3. That the petitioner shall regularly attend the hearings before the trial Court.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any, is rendered infructuous.

**(AVNEESH JHINGAN)
JUDGE**

21st September, 2022
anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No