

CRM-M-35202-2022 (O&M)

CRM-M-38222-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-35202-2022 (O&M)

Date of decision: 01.12.2022

SURINDER PAL

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-38222-2022 (O&M)

ROHIT

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Krishan Daaria, Advocate
for the petitioner.

Mr. Abhishek Khullar, Advocate
for the petitioner in CRM-M-38222-2022.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

This common order shall dispose of the above mentioned two criminal miscellaneous petitions as both the petitions arise out of the same FIR.

The present petitions have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in respect of FIR No.06 dated 08.01.2022, under Sections 379B(2), 34 IPC registered at Police Station Salem Tabri, District Ludhiana.

Learned counsel for the petitioners contend that the petitioners were not named in the FIR and their name surfaced on account of disclosure statement made by co-accused Akashdeep, who has since been granted bail by this Court vide order dated 19.07.2022. They further submit that all material witnesses have

been examined including the complainant, however, 16 more witnesses are yet to be examined. The petitioners are in custody since 26.02.2022 and they are not involved in any other case.

Learned State counsel has produced the custody certificates of the petitioners dated 31.11.2022, which are taken on record.

Contrarily, learned State counsel has opposed the bail on the ground that co-accused Akashdeep in whose disclosure statement the names of the petitioners had surfaced, had confessed to the offence. He is however unable to controvert the fact that the petitioners are in custody since 09 months and 03 days as per custody certificate, as also the fact that the complainant stands examined.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the petitioners are in custody since 26.02.2022; complainant has since been examined; co-accused on whose disclosure the petitioners were named has also been granted bail; 16 more witnesses are yet to be examined; the trial is likely to take a considerable time, their further detention behind bars would not serve any useful purpose, thus the present petitions for grant of regular bail deserve to be allowed.

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

1. The petitioners will not tamper with the evidence during the trial.
2. The petitioners will not pressurize/ intimidate the prosecution

witnesses.

3. The petitioners will appear before the trial Court on each and every date fixed, unless are exempted by a specific order of Court.
4. The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
5. The petitioners 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 petitioners shall not in any manner misuse his liberty.
7. Any infraction shall entail in withdrawal of the benefit granted by this Court.
8. The petitioners shall furnish their 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 petitioners seek 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 petitioners shall deposit their passport, if any, with the Trial Court forthwith and in case, they does not have the passport, they shall furnish a specific affidavit in this 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.

(AMAN CHAUDHARY)
JUDGE

December 01, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>