

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-38186 of 2022

Date of Decision: December 12, 2022

Himmatveer Singh Gill

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Santpal Singh Sidhu, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

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.105 dated 01.05.2022, under Sections 25 sub Section (7) and (8) of Arms Act registered at Police Station Civil Lines, Bathinda, District Bathinda.

Learned counsel contends that petitioner has been in custody since 01.05.2022 and has been falsely implicated in the case as he has a dispute with his uncle namely, Sukhdev Singh in the case. He further submits that the arrest of petitioner was from his residence as is evident from CCTV footage and not as has been alleged. The petitioner is not involved in any other criminal case. Charges have yet not been framed though challan was presented on 30.07.2022 and there are 8 witnesses.

Learned State counsel has produced the custody certificate dated 10.12.2022, which is taken on record. As per the same the custody of the petitioner is 07 months and 09 days.

Learned State counsel opposes the bail on the ground that the petitioner along with co-accused was apprehended with unlicensed arms. He however, is unable to controvert the fact that the petitioner has been in custody since 01.05.2022 and that charges are yet to be framed and in all there are 8 witnesses

Heard.

In view of the facts and circumstances of the case, in particular that petitioner has been in custody since 01.05.2022; charges are yet to be framed and in all there are 8 witnesses; the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose thus, 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. 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 appellant 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.

8. 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 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, it is 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.

December 12, 2022
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(AMAN CHAUDHARY)
JUDGE

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