

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-38137-2022 (O&M)
Date of decision: 13.12.2022

KALA @ RAKESH KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. PKS Phoolka, 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.0154 dated 28.06.2022, under Sections 420, 465, 467, 468, 471, 34 of the IPC, registered at Police Station Civil Lines Bathinda, District Bathinda.

Learned counsel submits that the petitioner, who is 22 years old boy, is in custody since 01.07.2022 and his father has met with a road accident on 12.11.2022, and is in critical condition being admitted in DMC Hospital Ludhiana. He further submits that there is no specific allegation against the petitioner besides general allegations. It is his further submission that co-accused Seema Rani, who was attributed a specific role, has since been granted regular bail by this Court vide order dated 05.12.2022. Insofar as the cases mentioned in the order passed by learned Additional Sessions Judge, Bathinda to be pending against the petitioner are concerned, the petitioner is not an accused therein. Whereas the FIR as mentioned in the custody certificate is of the year 2011 and

the petitioner is granted bail therein. He further submits though challan has been filed however, charges have not yet been framed and there are total 13 prosecution witnesses.

Learned State counsel has produced the custody certificate dated 07.09.2022, which is taken on record.

Learned State counsel opposes the bail on the ground that the petitioner is a habitual offender as there is another FIR of similar nature against him. However, he is unable to controvert that the petitioner is in custody since 01.07.2022, though challan has been presented, charges have yet not been framed. Co-accused Seema Rani, who was attributed specific role, has been granted regular bail by this Court.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner, who is 22 years old boy is in custody since 01.07.2022; his father having met with a road accident and hospitalized in critical condition; co-accused Seema Rani having been granted regular bail by this Court; though challan has been presented but charges have not yet been framed; in all there are 13 Pws; conclusion of 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.

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. 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.
- 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 any infraction 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 13, 2022

S.Sharma(syr)

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