

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-40452-2022

Date of Decision: September 09, 2022

GURDEV SINGH @ BALDEV SINGH @ DEBO

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Saurabh Chawla, Advocate for
Mr. Tarun Sharma, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.(Oral)

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.22 dated 28.01.2022 under Section 379 B IPC (Section 379 and 411 IPC added lateron), registered at Police Station Ferozepur, District Ferozepur.

Learned counsel appearing for the petitioner contends that the petitioner has been falsely implicated in the present case and has been in custody since 29.01.2022. He further submits that the charges have been framed but no prosecution witness has yet been examined. He further submits that the said co-accused against whom the allegations were similar to those levelled against the petitioner has since been granted regular bail by this Court vide order dated 22.07.2022 (Annexure P-2). He further urges that trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he

may be released on bail.

Learned State counsel opposes the prayer for grant of regular bail by submitting that the recovery has not been effected from the petitioner. He further submits that there are 04 other FIRs registered against the petitioner. He however, is unable to dispute the fact that the petitioner is in custody for the last 07 months and 10 days. He also affirms the fact that no prosecution witness is yet been examined out of 13 prosecution witnesses.

Learned counsel in rebuttal submits that the petitioner is on bail in all the 04 FIRs.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of this case that the petitioner has been in custody since 29.01.2022 and similarly situated co-accused has already been granted bail by co-ordinate Bench of this Court; though charges have been framed but no prosecution witness has yet been examined till date; the trial is likely to take some time and his further detention behind the bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Accordingly, 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.”

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made above, which have only been made for the purpose of adjudicating the present petition for grant of regular bail.

September 09, 2022
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(AMAN CHAUDHARY)
JUDGE

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