

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-43956-2022 (O&M)

Date of decision: 22.11.2022

AJAY SINGH ALIAS AJAY

....Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kanwaljeet Singh , 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.161 dated 25.05.2022, under Sections 379-B(2), 341 and 34 of the IPC registered at Police Station Sahnewal, District Police Commissionerate Ludhiana.

Learned counsel contends that the allegations against the petitioner are of having been on the same motorcycle as the co-accused and after the occurrence they both ran away from the spot. There is no allegation of snatching attributed to the petitioner. He further submits that the petitioner was mercilessly beaten by the Police, on account of which his left leg was fractured and a rod was inserted. He submits that as on date the petitioner is admitted in the Jail hospital and is under observation but his condition is deteriorating reference is made to report of Senior Medical Officer, Ludhiana. He submits that the petitioner is in custody since 27.06.2022. Challan has been presented, however, charges are yet to be framed.

Learned State counsel has placed on record the custody certificate as

also reply dated 19.10.2022 by way of affidavit of Vaibhav Sehgal, PPS, Assistant Commissioner of Police (South), Ludhiana. The same are taken on record. Learned State counsel makes a reference to Annexure R-1, wherein it is affirmed that the petitioner is undergoing treatment at the jail hospital. On the other hand, learned State counsel opposes the bail on the ground that he was apprehended at the spot along with co-accused and motorcycle and mobile phone are recovered from him. He further submits that there is another FIR against the petitioner under Section 379 IPC and one under the NDPS Act, however, he is unable to controvert the fact that the petitioner is undergoing treatment in the Jail hospital after having been operated on his left lower leg and that the petitioner is in custody since 27.06.2022; challan having been filed and charges are yet to be framed.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the medical condition of the petitioner as affirmed by the learned State counsel; challan having been filed; charges are yet to be framed; 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.

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. Any infraction shall entail in withdrawal of the benefit granted by this Court.
- 8. 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.
- 9. 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, 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

November 22, 2022

S.Sharma(syr)

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