

CRM-M-43645-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-43645-2022

Date of Decision: November 21, 2022

Sharanjit Singh @ Sonu and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ritesh Pandey, Advocate
for the petitioners.

Mr. Kamalpreet Bawa, AAG, 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 petitioners in respect of FIR No.98 dated 09.08.2022, under Section 25 of Arms Act, registered at Police Station Division No.1 Pathankot, District Pathankot.

Learned counsel for the petitioners contends that petitioners had been in custody since 09.08.2022 and the false allegations against the petitioners are that from petitioner No.1- .32 bore pistol and 4 live cartridges and from petitioner No.2, 4 live cartridges, were recovered. He alleges false implication at the hands of the petitioners and there is no independent corroboration to the same. He submits there is no other case against the petitioners. Charges have been framed on 28.10.2022 and there are 19 witnesses.

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

Contrarily, learned State counsel has opposed the bail on the ground that they were apprehended on the spot that the alleged arms recovered from them.

He is unable to controvert the fact that the petitioners are in custody since 09.08.2022 and that none of the witnesses have yet been 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 09.08.2022; though the charges have been framed but none of the witnesses has been examined; trial is likely to take some time, their further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Resultantly, the present petition is 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 is 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 them 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 their 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 do not have the passport, they shall furnish a specific affidavit in that 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 petitioners 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.

November 21, 2022
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(AMAN CHAUDHARY)
JUDGE

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