

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-46614-2022
Date of decision: 11-10-2022

Sukhdev Singh @ Saba Masih

.....Petitioner(s)

v.

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: - Ms. Surpreet Kaur, Advocate
for the petitioner(s).

Mr. Jashandeep Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
275	1.9.2021	Ajnala, Amritsar (Rural), Amritsar	302, 323, 324, 427, 148, 149 IPC

1. The petitioner incarcerated in the FIR captioned above has come up before this Court under Section 439 CrPC seeking interim regular bail on account of marriage of his son.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. The petitioner contends that the denial of interim bail would cause an irreversible injustice to the petitioner and family.
4. While opposing the interim bail, the State does not dispute the factum of the marriage of petitioner’s son on which the petitioner is seeking interim bail.

REASONING:

5. A prisoner should not be ordinarily denied the opportunity of attending a significant family event merely because the immediate relatives, in addition to friends and the neighbors, have become accustomed to usually caring for the family members of a person under incarceration and the family is not depend on the prisoner. The prisoner himself not only longs for presence, cooperation, support, and even financial help of the family but is also expected by the near and dears in return for their support towards his family to reciprocate by attending their sacrosanct family functions, despite such attendance carrying the risk of social boycott or dejection.

6. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for limited period interim bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

7. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on interim bail in the FIR captioned above, in the following terms:

(a) Petitioner to furnish personal bond of Rs. Ten thousand (INR 10,000/-); AND

(b) To give one surety of Rs. Twenty-five thousand (INR 25,000/-), to the satisfaction of the concerned court, and in case of non-availability, any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned court must satisfy that if the accused fails to appear in court, then such surety can produce the accused before the court.

OR

(b) Petitioner to hand over to the concerned court a fixed deposit for Rs. Ten Thousand only (INR 10,000/-), with the clause of automatic renewal of the principal and the interest reverting to the linked account, made in favor of the 'Chief Judicial Magistrate' of the concerned district. Said fixed deposit may be made from any of the banks where the stake of the State is more than 50% or any of the well-established and stable private sector banks. The fixed deposit need not necessarily be made from the petitioner's account.

(c). Such court shall have a lien over the deposit until the case's closure or discharged by substitution, or up to the expiry of the period mentioned under S. 437-A CrPC, 1973, and at that stage, subject to the proceedings under S. 446 CrPC, the entire amount of fixed deposit, less taxes if any, shall be endorsed/returned to the depositor.

(d). It shall be the total discretion of the petitioner to choose between surety bond and fixed deposit. It shall also be open for the petitioner to apply to the Investigator or

the concerned court to substitute the fixed deposit with surety bonds and vice-versa.

(e). On the reverse page of personal bond, the petitioner shall mention her/his permanent address along with the phone number, preferably that number which is linked with the AADHAR, and e-mail (if any). In case of any change in the above particulars, the petitioner shall immediately and not later than 30 days from such modification, intimate about the change to the concerned police station and the concerned court.

(f). The petitioner is to also execute a bond for attendance in the concerned court(s) as and when asked to do so. The presentation of the personal bond shall be deemed acceptance of the declarations made in the bail petition and all other stipulations, terms, and conditions of section 438(2) of the Code of Criminal Procedure, 1973, and also of this bail order.

8. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the police, or the court, or to tamper with the evidence.

9. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

10. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

11. **The petitioner shall surrender in prison from where he was released, on or before 21st October, 2022, by 4 p.m.**

12. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

October 11, 2022
Anju Rani/AK

Whether speaking/reasoned:
Whether reportable:

Yes
No