

Date of Decision: 05.01.2022

.... Petitioner

Vs.

....Respondent

Present: Mr. Rajesh Duhan, Advocate
for the petitioner.

(Through Video Conferencing)

ANOOP CHITKARA J. Oral

FIR No.	Dated	Police Station	Sections
330	22.09.2020	Patran, District Patiala	304/34 IPC, 1860

1. Apprehending arrest in the above captioned FIR, the accused has come up before this Court under Section 438 Cr.P.C., seeking anticipatory bail.

Notice.

2. At the asking of the Court, Mr. Harsimar Singh Sitta, AAG, Punjab appears on behalf of the State, waives service and accepts notice. Mr. Hemraj Bhardwaj, Advocate puts in appearance on behalf of the complainant and accepts notice.

3. Learned Counsel for the bail petitioner argues that the petitioner has been falsely implicated in the present case and no specific role has been attributed to him. He further submits that the petitioner has clean antecedents.

4. Learned State counsel on instruction from ASI Paramjit Singh, has strongly opposed the bail on the ground that the petitioner is not joining the investigation at all. He further submits that in case, this Court is inclined to give bail to the petitioner then it should be on the strict and stringent conditions.

4(a) Learned counsel for the complainant also opposed the bail application of the petitioner on the ground that he is threatening the complainant.

5. Given above, in the event of arrest, the petitioner shall be released on bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Ten thousand (INR 10,000/-), and with one surety of Rs. Twenty-five thousand (INR 25,000/-), to the satisfaction of the Investigator. Before accepting the surety, the trial Court must satisfy that in case the accused fails to appear in Court, then such surety is capable to produce the accused before the Court to face trial.

6. The furnishing of the personal bond shall be deemed acceptance of the following and all other stipulations, terms, and conditions of this bail order, provided this petition is allowed and this order is made absolute. In case of dismissal of this petition, the bail bonds if furnished, shall stand cancelled without calling for any further order from this Court.

7. The petitioner also to execute a bond for attendance to the satisfaction of the concerned Court(s), as and when called upon to do so. Once the trial begins, the petitioner shall not, in any manner, try to delay the proceedings, and undertakes to appear before the concerned Court and to attend the trial on each date, unless exempted. In case of an appeal, on this very bond, the petitioner also promises to appear before the higher Court in terms of Section 437-A Cr.P.C.

8. The attesting officer shall, on the reverse page of personal bonds, mention the permanent address of the petitioner along with the phone number linked with AADHAR card, the other phone numbers (if any), 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 to the concerned Court.

9. 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.

10. The petitioner shall join the investigation as and when called. In the event of failure to do so, it will be open for the prosecution to seek cancellation of the bail.

11. During the bail period, if the petitioner repeats the present offence or commits any offence where the sentence prescribed is more than seven years or violates any condition as stipulated in this order, it shall always be permissible to the respondent to apply for cancellation of this bail. It shall further be open for any investigating agency to bring it to the notice of the Court seized of the subsequent application that the accused was earlier cautioned not to indulge in criminal activities. Otherwise, the bail bonds shall continue to remain in force throughout the trial and after that in terms of Section 437-A of the Cr.P.C.

12. The petitioner shall, under no circumstances, contact, call, text, remarks, stalk, stare, make any gestures, show or express any unusual or inappropriate, verbal or otherwise objectionable behavior, to or in front of the victim, either physically or through any other mode, or roam around the victim's home, and shall also stay away from the house of the victim at a distance of 01 km. In case, he threatens the complainant, the complainant may immediately bring it to the notice of concerned SHO, who shall take appropriate action.

13. The petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority before the next date and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case.

14. Any Advocate for the petitioner or the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order, in vernacular and if not feasible, in Hindi.

15. In case the petitioner finds the bail condition(s) as violating fundamental, human, or other rights, or causing difficulty due to any situation, then for modification of such term(s), the petitioner may file a reasoned application before this Court, and after taking cognizance, even to the Court taking cognizance or the trial Court, as the case may be, and such Court shall also be competent to modify or delete any condition.

16. This order does not, in any manner, limit or restrict the rights of the Police or the investigating agency from further investigation per law.

17. 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.

18. *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/prosecutor/Court want to verify the authenticity, such person can also verify its authenticity or may download and use the downloaded copy for attesting bonds.*

The petition is allowed in the abovesaid terms.

(ANOOP CHITKARA)
JUDGE

January 05, 2022
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Whether speaking/reasoned: Yes/No

Whether reportable: No