

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-53096 of 2022

Date of Decision: November 22, 2022

Amrit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Surinder Singh Siao, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, 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.38 dated 09.03.2021, under Sections 302 and 34 IPC, registered at Police Station Bhwanigarh, District Sangrur.

Learned counsel contends that the petitioner who is a 24 years old young boy has been in custody since 13.03.2021 in a FIR which was registered initially against unknown persons and the only evidence against him is an alleged extra judicial confession of one Gurdeep Singh. Even as per which the main allegations are against co-accused Amandeep Singh and the alleged weapon has also been recovered from him. It is his further case that charges were framed way back on 08.10.2021; none of the 26 witnesses have been examined. He further contends that the petitioner is not involved in any other case.

Learned State counsel has produced the custody certificate dated 21.11.2022, which is taken on record.

Contrarily, learned State counsel has opposed the bail on the ground that the petitioner was present alongwith co-accused Amandeep as he was riding the motorcycle and Amardeep was his pillion rider. He submits that out of 26 witnesses, one has been examined but has not been able to controvert the fact that the petitioner has been in custody since 13.03.2021 and there are 25 more witnesses to be examined.

I have heard learned counsel for the parties.

In view of the facts and circumstances of the case, in particular that the petitioner who is 24 years old has been in custody since 13.03.2021; there are 26 witnesses out of which only one has examined despite the fact that the charges was framed way back on 08.10.2021, the trial is likely to take a considerable time, his 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 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 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 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.

November 22, 2022
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(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No