

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-59363-2022 (O&M)
Date of decision: 23.12.2022

AJIT KAMBOJ ALIAS MALIINGA ALIAS SANTY ALIAS AJIT KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Piyush Setia, 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.109 dated 05.08.2021, under Sections 364-A, 386, 506, 451, 342, 34 of the IPC and Section 25, 27 of the Arms Act registered at Police Station City Budhlada, District Mansa.

Learned counsel submits that the petitioner is in custody since 05.11.2021. He is not named in the FIR. He further submits that there is no direct evidence against the petitioner and no recovery has also been effected from him. Petitioner is not involved in any other criminal case. He relies on the order dated 18.11.2022 passed in CRM-M-44219-2022, whereby this Court had granted regular bail to the co-accused Kuldeep Singh alias Angrej Singh, who he submits is similarly placed as him inasmuch as the allegations are concerned. He further submits that despite charges having been framed, none out of the 14 witnesses

have been examined and the trial will take sufficiently long time.

Learned State counsel has produced the custody certificate dated 22.12.2022, which is taken on record.

Learned State counsel on instructions from ASI Jagdev Singh opposes the bail on the ground that the petitioner played an active role in the alleged incident while being in association of the main accused Gurjeevan Singh. However, he is unable to controvert the submissions made by the learned counsel for the petitioner.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 05.11.2021; he is not named in the FIR; he is not involved in any other criminal case; similarly placed co-accused have already been granted bail by this Court; charges having been framed, none out of the 14 witnesses has been examined; 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. 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.
- 8. 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 any infraction 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

December 23, 2022

S.Sharma(syr)

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