

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-821-2023

Date of decision: 13.01.2023

Balkaran Singh @ Vicky

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. K. S. Brar, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in FIR No.105 dated 01.05.2022 under Section 25 (7) (8) of Arms Act, 1959 (as amended by Arms Amendment Act, 2019) registered at Police Station Civil Lines, Bathinda, District Bathinda.

Learned counsel submits that the petitioner has been in custody since 05.05.2022. He relies on the CCTV footage to submit that he was taken from his house on 28.04.2022 and the FIR was lodged on 01.05.2022. Though he is involved in 5 more cases, but out of which in one case he has been acquitted, in the other he has been discharged and in two cases, he has been granted bail and in the 5th case, the challan has not been presented despite the fact that FIR was filed in the year 2017 and the charges have been framed on 27.10.2022, however, none of the witnesses have been examined.

Learned State counsel opposed the present application for regular bail on the ground that the petitioner is involved in 5 more cases. However, he is

unable to controvert the submissions made by learned counsel for the petitioner.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 05.05.2022, though charges were framed on 22.10.2022 but none of the witnesses have yet 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

January 13, 2023

Mehak

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