

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.221

CRM-M-2131-2023

Date of decision : 19.01.2023

Paramjit Singh Bhatti

.....Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Sachin Jain, 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.98 dated 21.10.20215, registered under Sections 324, 34 IPC at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar.

Learned counsel contends that the petitioner was initially released on anticipatory bail vide order dated 10.11.2015. Thereafter, on account of lockdown due to Covid-19 pandemic, the petitioner could not appear before the trial Court and for that reason, his bail was cancelled and bonds were forfeited to the State vide order dated 11.5.2022, Annexure P-8. The non-bailable warrants were issued against him on 31.05.2022, Annexure P-9, which were received back unserved and proclamation proceedings were initiated against him vide order dated 22.08.2022. The petitioner had also approached this Court for setting aside the said order by filing CRM-M-46681-2022, which was ordered to be dismissed as withdrawn vide order dated 12.10.2022, with liberty that in case, the petitioner surrenders and applies for regular bail, the same shall be decided at the earliest, Annexure P-13. Learned counsel submits that the petitioner was arrested on 25.12.2022 and since then he is in custody. There are a total of 9 PWs but till date none has been examined so far despite the fact that

the charges were framed on 23.02.2017.

On the other hand, learned State counsel opposes the prayer of the petitioner on the ground that the petitioner there is apprehension of the petitioner having abscond or evade the process of law, if he is released on bail. He further submits that charges have been framed and there are a total of 9 Pws, but none has been examined.

Heard.

Keeping in view the facts and circumstances of the case, in particular that the petitioner has been in custody since 25.12.2022; though the charges were framed on 23.2.2017 but till date out of a total 9 PWs, none has been examined so far and therefore, conclusion of the trial will take a considerable time, his further detention behind the 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 pressurise/ 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 surrender his passport, if any, and will not leave the country without the permission of the Trial Court.
5. The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
6. The petitioner shall not directly or indirectly coerce, inducement, 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.
7. The petitioner shall not in any manner misuse his liberty.
8. The petitioner will furnish correct mobile number

and residential address and shall not change the same without prior intimation to the trial Court.

It is made abundantly clear that in case of breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

Nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made above, which have only been made for the purpose of adjudicating the present petition for grant of regular bail.

19.01.2023
gsv

(AMAN CHAUDHARY)
JUDGE

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