

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-2622-2023 (O&M)

Date of decision: 08.02.2023

LOVEPREET BAJAJ @ SACHIN

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Premjit Singh Hundal, 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.1 05 dated 01.05.2022, under Sections 25 sub-Section (7) (8) of the Arms Act, 1959 as amended by Arms Amendment Act, 2019 registered at Police Station Civil Lines, Bathinda.

Learned counsel contends that though custody of the petitioner is shown as 01.05.2022 but he was in fact arrested from his residence on 28.04.2022 situated at Sri Muktsar Sahib regarding which there is a CCTV footage also available, which shows his false implication. Co-accused Himmatveer Singh Gill and Balkaran Singh @ Vicky have been granted bail by this Court vide order dated 12.12.2022 and 13.01.2023, Annexures P-3 and P-4. Charges were framed on 27.10.2022, however none out of 10 prosecution witnesses has been examined.

Learned State counsel has produced the custody certificate dated 06.02.2023, which is taken on record. He opposes the bail on the ground that unlicensed weapon was recovered from the petitioner, which he had procured

from Madhya Pradesh for the purpose of supplying it to a gang. He is however unable to controvert the submissions made by learned counsel for the petitioner regarding the stage of the trial and bail having been granted to the co-accused.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 01.05.2022; co-accused have been granted bail by this Court; charges were framed on 27.10.2022, however, none out of 10 prosecution 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 abundantly clear that in case there is any breach of the aforesaid conditions and in case he commits a similar offence in future, 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

February 08, 2023

S.Sharma(syr)

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