

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-2907-2023 (O&M)
Date of decision: 24.01.2023

RAHUL KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G.S. Virk, 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.73 dated 20.04.2017, under Sections 379-B and 34 of IPC, registered at Police Station Division No.1, Ludhiana.

Learned counsel contends that the petitioner was not named in the FIR and it was against unknown persons. The petitioner was however, implicated in the same and arrested on 01.06.2017 based on the investigation carried out. He was granted regular bail by the learned trial Court, whereafter, he continued to appear regularly, but due to mis-communication between him and his learned counsel, he defaulted, leading to him having been declared proclaimed offender on 31.07.2018. He further submits that the petitioner is an illiterate migrant labourer, not having knowledge of the process of the Court. He was thereafter arrested on 20.10.2022, while he was going for work and he is now been in

custody for last three months and prior to the previous bail having been granted, his custody was 3 months and 17 days and now his custody is 3 months and 5 days. He submits that his total custody is now 6 months and 22 days. He submits that the petitioner is not involved in any other case and only 2 out of 10 witnesses have been examined and the trial will take sufficient time to conclude.

Learned State counsel has produced the custody certificate dated 23.01.2023, which is taken on record. As per the same the custody of the petitioner is 6 months and 22 days. He opposes the bail on the ground that the petitioner had previously absconded. 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 is in custody for the last 3 months and 05 days and in all including his previous custody is 6 months and 22 days; he is not involved in any other case; only 2 out of 10 witnesses have 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, 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 24, 2023
M.Kamra/S.Sharma(syr)

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