

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-4709-2023 (O&M)
Date of decision: 03.02.2023

SHERPREET SINGH @ GULABA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rajesh Kapila and Ms. Himani Kapila, Advocates
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 07.05.2022, under Sections 307, 353, 186, 506,148,149 of IPC and Sections 25 and 27 of Arms Act, registered at Police Station Jandiala, Amritsar Rural.

Learned counsel contends that the petitioner is in custody since 07.05.2022. Though the petitioner is named in the FIR and has been shown to be armed with a pistol, however, no overt act has been attributed to him. The injury caused is at the hands of co-accused Jobanjeet Singh, who is in custody. Co-accused Ajay Pal Singh, who was also named in the FIR and arrested along with the petitioner, had been granted bail by this Court on 02.12.2022. The petitioner is involved in one more case, however, he is on bail in that case. Challan had been presented on 21.08.2022, however, charges are yet to be framed. In all, there are 17 prosecution witnesses.

Learned State counsel has produced the custody certificate dated 02.02.2023, which is taken on record. As per the same the custody of the petitioner is 8 months and 12 days. He opposes the bail on the ground that petitioner was part of the unlawful assembly with common intention and that he is involved in another case under the IPC. However, he is unable to controvert the submissions made by learned counsel for the petitioner regarding the status of the trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 07.05.2022; challan had been presented on 21.08.2022, however, charges are yet to be framed; in total there are 17 prosecution witnesses; in another case, he is on bail; 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

February 03, 2023

M.Kamra/S.Sharma(syr)

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