

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-3652-2022 (O&M)
Date of decision: 02.03.2023

CHAND KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ankur Mittal, Advocate,
Mr. Lalit Suneja, Advocate and
Ms. Varsha Sharma, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, 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. 19 dated 05.03.2021 under Sections 420 IPC (Sections 467, 468 and 471 IPC deleted later on) registered at Police Station Chamkaur Sahib, District Rupnagar.

Learned counsel contends that the petitioner has been in custody for the last more than 1 year and 11 months, having been arrested on 15.03.2021. There are four FIRs registered with regard to the disputed land, which is in possession of the complainant. In two of the said FIRs, petitioner has been enlarged on bail by this Court. It is a case of civil dispute, the proceedings of which are pending before the Court of Civil Judge, Junior Division, Ropar. The offences are triable by Magistrate. Though, charges have been framed on 13.09.2021 but only 4 out of a total of 17 prosecution witnesses have been

examined.

Learned State counsel has filed custody certificate, same is taken on record, as per which the custody of the petitioner is more than 1 year and 11 months. He opposes the bail on the ground that the petitioner with an intention to grab the property of the deceased person has filed a civil suit against the dead person. However, he is unable to controvert the other submissions made by learned counsel for the petitioner in particular with regard to the stage of the trial and that the petitioner being on bail in two out of 4 FIRs registered against him.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 15.03.2021 in a case involving land dispute, there are a total of 17 prosecution witnesses out of which only 4 have been examined; even though charges were framed on 13.09.2021, it is a case of magisterial trial, 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

02.03.2023
Mehak

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