

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-6180-2023
Date of decision: 10.02.2023

SURENDER KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sandeep Gahlawat, 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. 252 dated 17.10.2022 under Section 384 IPC (later on converted into 387, 507 and 511 IPC) registered at Police Station Lambi, District Sri Mukstar Sahib.

Learned counsel for the petitioner contends that the petitioner has been in custody since 22.11.2022 and has been falsely implicated in the case by the complainant on an alleged call having been made from his phone which infact was not made by the petitioner as his voice samples have also been taken. There is a delay of 10 days in lodging of the FIR which was initially under Section 384 IPC, however, after investigation, the challan has been presented under Section 387 IPC alongwith Sections 507 and 511 IPC. There was no demand of any money made by the petitioner, he is also not involved in any other case and co-accused namely Brijesh Kumar similarly situated as the petitioner in terms of the

allegations leveled by the complainant has since been granted regular bail by this Court vide order dated 10.01.2023, Annexure P-2, though charges in this case have been framed, however, none out of the 20 prosecution witnesses have yet been examined and the case is triable by the Court of Magistrate which is likely to take sufficiently long time.

Learned State counsel opposes the bail on the ground that there are serious allegations against the petitioner. However, he is unable to controvert the other submissions made by learned counsel for the petitioner inasmuch as they relate to the stage of trial as also the petitioner not being involved in any other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 22.11.2022; the co-accused namely Brijesh Kumar, has been granted the concession of regular bail by this Court; the petitioner is not involved in any other case; though charges in this case have been framed, however, none out of the 20 prosecution witnesses have yet been examined; the case is triable by the Court of Magistrate which is likely to take sufficiently long 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

10.02.2023
Mehak

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