

CRM-M-8461-2023 AND
CRM-M-8763-2023

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-8461-2023
Date of decision: 15.03.2023

GURTEJ SINGH DHALIWAL

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

AND

CRM-M-8763-2023

BALKAR SINGH @ BOBY

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Atul Goyal, Advocate
for the petitioner in CRM-M-8461-2023.

Mr. Nirmaljeet Singh Sidhu, Advocates
for the petitioner in CRM-M-8763-2023.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

This common order shall dispose of two petitions bearing No. CRM-M-8461-2023 and CRM-M-8763-2023 as both the petitions arise out of same FIR and can be disposed of simultaneously.

The present petitions have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in respect of FIR No. 164 dated 29.11.2022 under Section 379-B (2) IPC registered at Police Station Dugri, District Police Commissionerate Ludhiana.

Learned counsel contends that the petitioners have been in custody for the last 3 months and 15 days having been arrested on 29.11.2022. The recovery of the mobile phone stands effected. Petitioner namely Balkar Singh @ Bobby was attributed *kirch* blow on the hand of the wife of the complainant which as per MLR is a simple injury. Though, challan has been presented on 27.02.2023, charges are yet to be framed and in all, there are 10 prosecution witnesses. The petitioner Gurtej Singh Dhaliwal is not involved in any other case. However, co-accused/ petitioner namely Balkar Singh @ Bobby is involved in one other case wherein he is on bail.

Learned State counsel opposes the bail on the ground that they were involved in the commission of crime wherein mobile phone has been recovered from the co-accused/petitioner namely Gurtej Singh Dhaliwal and from Balkar Singh @ Bobby, iron *kirch* has been recovered. However, he is unable to controvert the other submissions with regard to custody, stage of the trial; petitioner Gurtej Singh Dhaliwal not being involved in any other case and petitioner namely Balkar Singh @ Bobby being involved in one case in which he has been granted bail.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioners have been in custody for the last 3 months 15 days. Recovery stands effected from the petitioners. Though, challan has been presented, charges are yet to be framed and in all, there are 10 prosecution witnesses; the trial is likely to take a considerable time, their 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 petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to them not being required in any other case. The petitioners shall abide by the following conditions:-

1. The petitioners will not tamper with the evidence during the trial.
2. The petitioners will not pressurize/ intimidate the prosecution witnesses.
3. The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
5. The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioners shall not in any manner misuse his liberty.
7. The petitioners shall furnish their address and mobile numbers to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioners 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 petitioners shall deposit their passport, if any, with the Trial Court forthwith and in case, they do not have the passport, they 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 petitioners 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.

A photocopy of this order be placed on the file of another connected case.

(AMAN CHAUDHARY)
JUDGE

15.03.2023
Mehak

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