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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-9651-2023

Date of Decision: 11.12.2023

Inderjit Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Naveen Batra, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.121 dated 20.09.2021 registered under Sections 397, 342, 506, 379-B(2), 323, 411 of IPC and Sections 25, 54, 59 of Arms Act, at Police Station Kiratpur, District Rupnagar.
2. Status report by way of an affidavit of Deputy Superintendent of Police, Sri Anandpur Sahib, District Rupnagar, Punjab has been filed on behalf of the respondent-State in Court today and the same is taken on record.
3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and was not present at the spot at the time of place of occurrence. He further contends that even as per the case of the prosecution, the petitioner was the driver of the vehicle, in which the assailants had travelled. Even, he was implicated on the basis of the disclosure statement suffered by Sunil Kumar and the recovery was planted on him. Learned counsel further

contends that he had no connection with his co-accused, who had hired the vehicle of the present petitioner and committed the crime. He next contends that the petitioner was arrested in the present case on 22.07.2022 and is in custody for the last about 01 year and 05 months. He further contends that even though, one more case was registered against the present petitioner, however, he has been acquitted in the said case. He further contends that one more case i.e. FIR No. 252, dated 16.09.2021, under sections 392, 452, 511 of IPC and Section 25 of Arms Act, Police Station Susant Lok was also registered against the present petitioner and the petitioner is on bail in the said case.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 22.07.2022 and is in custody since then. Even as per the case of the prosecution, he was not present at the place of occurrence and was the driver of the car, in which, assailants had reached at the spot.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such*

facts to the Court or to any other authority.

- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) The concerned Court may insist on two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*
- (viii) The petitioner shall report every 1st Monday of English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

11.12.2023

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(N.S.SHEKHAWAT)
JUDGE

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