

CRM-M-12211-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12211-2023
Reserved on: 26.04.2023
Pronounced on: 17.05.2023

Darshan Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pushp Jain, Advocate for the petitioner.

Mr. Virat Rana, AAG, Punjab.

Mr. Siddharth Gupta, Advocate for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
183	16.10.2022	Talwandi Sabo, District Bathinda	307, 149 IPC 1860 and Section 27 of Arms Act

1. Seeking cancellation of bail granted to the accused in the FIR captioned above, the aggrieved person has come up before this Court under Section 439(2) of Code of Criminal Procedure, 1973 (CrPC).
2. Vide order dated 17-02-2023, learned Additional Sessions Judge, Bathinda, had granted bail to the accused.
3. The accused's counsel prays that the bail should not be cancelled and submits that he has no objection if this Court imposes any other stringent conditions also. He stated that arms have already been surrendered in compliance to the previous order.
4. I have gone through the impugned order and the main observations for grant of bail were that the occurrence was not pre-planned and had started at the spur of the moment and secondly that the victim stood discharged from the hospital. The accused has no objection to further conditions and states that bail be not cancelled. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, no grounds exist to cancel the bail, and in the bail order dated 17.02.2023, more conditions including the conditions inserted vide order dated 12.04.2023 shall stand inserted, which are as follows:-

(a). Till the completion of the trial, the accused shall not contact, call, text, message, remark, stare, stalk, make any gestures or express any unusual or inappropriate, verbal or otherwise objectionable behavior towards the victim and victim's family, either physically, or through phone call or any other social media, through any other mode, nor shall unnecessarily roam around the victim's home.

(b). Given the nature of the allegations and the other circumstances peculiar to this case, the accused shall not enter the property, workplace, and the residence of the victim till the recording of the statements of all non-official and informal witnesses in the trial. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (CrI.) 458; and Aparna Bhatt v. State of Madhya Pradesh, 2021 SCC Online SC 230.

5. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition is disposed of in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

17.05.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.