

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-11815-2023
Date of decision: 15.03.2023

SANDEEP KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Umesh 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. 133 dated 27.05.2022 under Section 379-B IPC registered at Police Station Model Town, District Hoshiarpur.

Learned counsel contends that the petitioner has been in custody for the last 4 months and 20 days having been arrested on 23.10.2022. The allegations against the petitioner were of having snatched the gold chain. He submits that compromise has been arrived at between the complainant and the petitioner, Annexure P-2. Though, challan has been presented, charges are yet to be framed and in all, there are 10 prosecution witnesses.

Ms. Nisha Rana, Advocate has put in appearance for the complainant and filed Vakalatnama which is taken on record. She affirms the factum of the compromise having been arrived at and that she has instructions

from her client and he has no objection to the grant of regular bail to the petitioner.

Learned State counsel opposes the bail on the ground that there are other cases also pending against the petitioner including the cases under the NDPS Act. The recovery of the gold chain has been effected from the petitioner. However, he is unable to controvert the other submissions with regard to custody and stage of the trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody for the last 4 months 20 days. 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, 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

15.03.2023
Mehak

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