

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-13173-2023 (O&M)

Date of decision: 21.03.2023

TARSEM SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vaibhav Narang, 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.0169 dated 11.12.2022, under Sections 323, 324, 452, 34 IPC (Sections 379-B and 325 IPC added later on), registered at Police Station Sultanwind, District Police Commissionerate, Amritsar.

Learned counsel contends that the petitioner, who is 55 years old, is in custody since 12.12.2022. As per the FIR, no specific role has been attributed to any of the accused. However, it is in a supplementary statement recorded after 10 days of the incident by the daughter of the complainant, wherein specific roles have been attributed, as per which the petitioner was attributed a simple injury. The head injury has been attributed to the son of the petitioner named Sagar. He submits that the dispute involved is over the parking of the vehicles and the petitioner and the complainant are otherwise neighbours, living opposite to each other. Co-accused, who is wife of the petitioner was granted anticipatory bail by

this Court vide order dated 06.02.2023, Annexure P-2. He is not involved in any other case. The challan in this case has since been presented. However, the charges have not been framed. In all, there are 18 prosecution witnesses.

Learned State counsel opposes the bail on the ground that the petitioner is involved in the commission of the crime, wherein multiple injuries have been caused to the victims and the allegation against the petitioner is of having snatched the gold chain. He is however, unable to controvert the submissions with regard to the custody, stage of trial and he being not involved in any other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 3 months; he is not involved in any other case; co-accused had already been granted anticipatory bail; challan has since been presented; charges are yet to be framed; in all, there are 18 prosecution witness, 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 abundantly clear that in case there is any breach 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

March 21, 2023

M.Kamra

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