

105+215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-29381-2023 in/and
CRM-M-14830-2023
Date of Decision:31.08.2023

Suraj @ Saroj

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Saleem Malik, Advocate for
Mr. Durga Dutt Sharma, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)**CRM-29381-2023**

Prayer in the application is for placing on record the documents as
Annexures P-6 to P-11.

For the reasons mentioned in the application, the same is allowed,
subject to all just exceptions. Annexures P-6 to P-11 are taken on record.

CRM-M-14830-2023

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.63 dated
13.07.2021 registered under Sections 379, 411 (Sections 482, 465, 467, 468,
471, 34 of IPC added later on), at Police Station Division No.4, Jalandhar
District Jalandhar.

As per the case of the prosecution, on 13.07.2021, the complainant
along with other police officials was present and received a secret information

that Surinder Pal @ Shinder son of Malkit Singh and Sanjeev Kumar @ Sonu son of Dharam Pal used to commit theft of motorcycles, tractors and other things and were coming on a motorcycle from the side of Nakodar Chowk. On getting the information, a barricade was set up and two persons, riding on a motorcycle were apprehended at the spot. On inquiry by the police party, they disclosed their names as Surinder Pal @ Shinder and Sanjeev Kumar @ Sonu. At that time, both the above said persons were riding a motorcycle bearing registration No. PB-08-AY-4340 and they disclosed that they had stolen the said motorcycle from the Dilkhusa Market, Jalandhar. The motorcycle was taken into possession and both the accused were formally arrested after following the due process of law. Later on, certain more recoveries were also made from the said two accused.

During the course of investigation, it has been alleged that the said accused had named the petitioner also as one of the co-accused and it was alleged that the petitioner is also a member of gang of thieves and they used to put fake chassis and the engine numbers of the stolen vehicles, after erasing the old numbers and used to sell the same to the general public on the basis of the forged and fabricated documents. The petitioner was arrested on 22.07.2021 and during the course of investigation, the tractor, trolley and the dye, which was used to remove the engine and chassis numbers were recovered from the present petitioner.

Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case only on the basis of the disclosure statement suffered by the co-accused and the false recovery has been planted on

him. Learned counsel further submits that the petitioner was arrested in the present case on 22.07.2021 and is in custody for the last more than 02 years and 01 month. He further submits that challan was presented in the present case on 13.10.2021 and even charges have not been framed against the petitioner and every attempt has been made by the prosecution to delay the trial before the trial Court.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the recovery of stolen articles had taken place from the present petitioner. Apart from that, the petitioner is also facing 11 other FIRs, lodged in different police stations and this clearly proves that the petitioner belongs to a gang of thieves and is not to be enlarged on bail by this Court.

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

It is not in dispute that the petitioner was arrested in the present case on 22.07.2021 and the charges have not been ordered to be framed against the petitioner till date. Apart from that, the prosecution has cited 21 witnesses in the challan and the trial Court may take considerable time in concluding the trial. Thus, the petitioner can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and***

another 2012(1) R.C.R. (Criminal) 586.

In view of the above discussion, 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 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 and 3rd Monday in 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 and 3rd 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.*

31.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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