

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-14917-2023 (O&M)

Date of decision: 29.03.2023

KULDEEP SINGH @ GOSHA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. B.S. Bhalla, 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.73 dated 18.05.2022, under Sections 379-B, 120-B of IPC and Sections 27/54/59 of Arms Act registered at Police Station Chattiwind, District Amritsar.

Learned counsel contends that the petitioner is in custody since 13.07.2022. The FIR was registered against the unknown persons. The name of the petitioner had surfaced based on disclosure statement of co-accused Charanjit Singh, who is in custody. There is no specific attribution to the petitioner. He has been falsely implicated in this case. Challan has since been presented. Charges are yet to be framed. There are 18 witnesses in this case. He is not involved in any other case.

Learned State counsel has produced the custody certificate dated 28.03.2023, which is taken on record, as per the same the custody of the petitioner is 8 months and 16 days. He opposes the bail on the ground that the he was along

with other co-accused, who had fired a gunshot at the complainant and snatched a bag containing Rs.90,000/-. Recovery of Rs.2,300/- has been effected from him. He is however unable to controvert the submissions with regard to 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 8 months; his name surfaced based on disclosure statement of co-accused; he is not involved in any other case; challan has since been presented, however, charges are yet to be framed; in all, there are 18 prosecution witnesses, 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 and in case the petitioners commit similar offence in future, the State shall be at liberty to seek cancellation of bail as granted to the petitioners 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 29, 2023

M.Kamra

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