

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-16384-2023

Date of Decision:02.11.2023

Paramvir @ Rinka

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Bhupinder Kaur, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 299 dated 28.12.2022, under Sections 25/54/59 of Arms Act, registered at Police Station City, Kapurthala, District Kapurthala, Annexure P-1.

2. In the present case, the FIR was registered on the basis of the statement made by complainant ASI Tarsem Singh, who along with other police officials was on patrolling duty and received a secret information that Paramvir @ Rinka, the present petitioner was in possession of some illegal weapons and in case a Nakabandi was done, he could be apprehended with the illicit weapons. After sometime, a person was seen coming towards the bye-pass road Kapurthala, on foot and he was apprehended by the police party. During the interrogation, he disclosed his name Paramvir @ Rinka son of Harbans Lal, resident of Mohalla Mehtabgarh, Police Station City Kapurthala. During the

search, one prohibited pistol and six live cartridges were recovered. On asking, he could not produce any license or permit for retaining the said weapon.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 28.12.2022 and is in custody since then. Learned counsel further submits that the challan has already been presented and the conclusion of the trial may take quite a long time. Learned counsel further submits that no witness has been examined in the present case and the prosecution is delaying the trial, without any fault on the part of the present petitioner.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that 18 more cases were registered against the present petitioner, however, he admits that in the present case, the offence is punishable for a maximum sentence of three years and the present petitioner has already undergone 10 months and 07 days, as per custody certificate.

5. I have heard the learned counsel for the parties and with their able assistance, I have gone through the Court record carefully.

6. In the present case, the petitioner was arrested on 28.12.2022 and is in custody for the last 10 months. The prosecution has not been able to examine even a single witness so far and there is no evidence to indicate that the trial proceedings were delayed by the present petitioner in any manner. This delay in conducting the trial is violation of right of the petitioner under Article 21 of the Constitution of India and he cannot be confined in jail for an indefinite period. Still further, the learned State counsel has submitted that there are 18 more cases against the present petitioner and he is likely to repeat the crime.

However, in such a situation, the bail can always be granted to petitioner by imposing stringent conditions on him. Consequently, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/Duty Magistrate/Chief Judicial Magistrate 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 gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed

seriously.

(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the peitioner.*

(viii) *The petitioner shall report every 1st and 3rd Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

02.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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