

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-19100-2023 (O&M)

Date of decision: 25.04.2023

PARAMJIT SINGH @ PAMMU AND ANOTHER

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Suman Kumari, Advocate
for the petitioners.

Mr. H.S. Sullar, Sr. 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.30 dated 18.05.2022, under Sections 323, 379-B, 385, 148, 149 and 120-B IPC, registered at Police Station Sadar, District Rupnagar.

Learned counsel contends that the petitioners are in custody for the last 2 months and 21 days. They have been falsely implicated in the case and during the pendency of which, a compromise has been arrived at between the complainant and the petitioners, based on which, CRM-M-17481-2023 has been filed by the petitioners and other co-accused, for quashing of the FIR, wherein directions have been issued on 17.04.2023 for statements to be recorded before the Illaqa Magistrate. They are not involved in any other case. Co-accused Rajinder Singh has already been granted bail by this Court vide order dated 18.05.2022. Challan has been presented on 05.04.2023. Charges have not been framed. In all, there are 13 prosecution witnesses.

Learned State counsel has produced the custody certificates dated 24.04.2023, which is taken on record, as per which the custody of the petitioners is 2 months and 21 days. He opposes the bail on the ground that the petitioner along with co-accused was a part of gang, who had allegedly snatched an Apple watch, 1 gold chain and cash amounting to Rs.1,45,000/-. He is however unable to controvert the submissions with regard to stage of trial, petitioners not being involved in any other case and the compromise that has been arrived at between the parties.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioners are in custody for the last 2 months and 21 days; their non-involvement in any other case; compromise has been effected between the parties; challan was presented on 05.04.2023; charges are yet to be framed; in total, there are 13 prosecution witnesses, the trial is likely to take a considerable time, their 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 petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to them not being required in any other case. The petitioners shall abide by the following conditions:-

1. The petitioners will not tamper with the evidence during the trial.
2. The petitioners will not pressurize/ intimidate the prosecution witnesses.
3. The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioners shall not commit an offence similar to the offence

of which, they are accused, or for commission of which they are suspected of.

- 5. The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- 6. The petitioners shall not in any manner misuse their liberty.
- 7. The petitioners shall furnish their 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 petitioners seek 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 petitioners shall deposit their passport, if any, with the Trial Court forthwith and in case, they do not have the passport, they 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 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

April 25, 2023
M.Kamra

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