

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

219

CRM-M-18752-2023 (O&M)

Date of decision: 28.04.2023

RAKESH KUMAR @ RAJESH KUMAR @ RINKU

....Petitioner(s)

**Versus**

STATE OF PUNJAB

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Davinder Singh Khurana, Advocate  
for the petitioner.

Mr. IPS Sabharwal, DAG Punjab.

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**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 case of FIR No.12 dated 16.01.2023, registered under Sections 379 and 411 IPC, at Police Station Phase-8, District Mohali.

Learned counsel contends that the petitioner is in custody for about 3 months. The FIR was registered against unknown persons. The name of the petitioner surfaced based on disclosure statement of co-accused Inderpreet Singh and Gurwinder Singh, wherein the allegation levelled against him was that the cars stolen by them were sold to Parwinder Singh alias Pintu, who further sold them to the petitioner. There is no other case against the petitioner. Challan stands presented. Charges have not framed. In all, there are 13 prosecution witnesses.

Learned State counsel opposes the bail on the ground that there are allegations against the petitioner having purchased stolen vehicles. He is however

unable to controvert the submissions with regard to custody, stage of the case and his non-involvement 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; his name surfaced based on disclosure statement of co-accused; challan has already been presented; charges are yet to be framed; in total there are 13 prosecution witnesses, 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 his 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, it is 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 28, 2023

M.Kamra

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