

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

277/2

CRM-M-22195-2021 (O&M)

Date of decision: 21.02.2023

MAJOR SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr.Vishwajit Bedi and Mr. Lakshay Rakhea, Advocates
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

Mr. PBS Goraya, Advocate
for the complainant.

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.90 dated 06.07.2020, under Sections 302, 120-B, 148, 149 IPC and Sections 25/27/54/59 of the Arms Act registered at Police Station Gharinda, District Amritsar (Rural).

Learned counsel contends that the petitioner, who is 68 years old, is in custody since his arrest on 18.07.2020. The allegation against the petitioner is of having kirpan, but no overt act was attributed. Co-accused-Sajan Singh who was also shown to be armed with *gandasi* has been granted bail after custody of 05 months by this Court vide order dated 29.09.2022. Other co-accused namely Gurjant armed with *datar*, Narinder Kaur armed with wooden bat (*thapi*) and Sukhjit @ Sokhi, empty handed have been allowed anticipatory bail by this Court vide Annexures P-7 and P-8. No injury has been attributed to the petitioner and he

is not involved in any other criminal case. Challan has been presented, however, charges have not yet been framed and in all there are 30 witnesses.

Learned State counsel assisted by learned counsel for the complainant opposes the bail on the ground that petitioner was the one who had raised *lalkara* and motive has been attributed to him. He is however unable to controvert the submissions made by learned counsel for the petitioner with regard to period of custody, stage of the case, no injury has been attributed to him and that he is 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 since 2 years and 4 months; no injury has been attributed to him; not involved in any other criminal case; similarly placed co-accused have already been granted anticipatory as well as regular bail; challan has been presented, however, charges have not yet been framed; in all there are 30 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 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, the State shall be at liberty to seek cancellation of bail as granted to the petitioner 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

February 21, 2023

S.Sharma(syr)

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