

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-20955-2022 (O&M)
Date of decision: 07.02.2023

VISHAL

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Naveen Sharma, 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.06 dated 08.01.2022, under Sections 379B and 34 of IPC, registered at Police Station Salem Tabri, District Ludhiana.

Learned counsel contends that the petitioner is in custody since 26.02.2022 and he is not named in the FIR, however, his name surfaced based on supplementary statement of the complainant after 40 days of the incident wherein, he had mentioned that Aditya Kumar, who is Security Guard had told him that co-accused Akashdeep Singh had made a disclosure statement naming the petitioner with regard to his involvement and that of the co-accused. No recovery has been effected from the petitioner. Co-accused Akashdeep Singh had been granted regular bail by this Court vide order dated 19.07.2022 in CRM-M-29850-2022 and the other co-accused namely Surinder Pal and Rohit have been granted

regular bail vide order dated 01.12.2022 in CRM-M-35202-2022 & CRM-M-38222-2022. Challan has been presented, whereafter, charges were framed. Complainant stands examined in this case. In all, there are 11 prosecution witnesses.

Learned State counsel opposes the bail on the ground that under a conspiracy, the petitioner had committed the offence. However, he is unable to controvert the submissions made by learned counsel for the petitioner and the fact with regard to bail having been granted to co-accused, whose case is not distinguishable from the case of the petitioner as also the stage of trial.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 26.02.2022; he was not named in the FIR; charges have been framed; complainant stands examined; in all, there are 11 prosecution witnesses; all co-accused have been granted regular bail, 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 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 07, 2023
M.Kamra

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