

2023:PHHC:107237

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

**CRM-M-20393-2023
Date of Decision:18.08.2023**

Monu ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Piyush Sharma, Advocate
for the petitioner.

Mr.Mohinder Singh Joshi, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr. PC with a prayer to grant regular bail to him in case FIR No.24 dated 10.04.2022 under Sections 307,341,34 of IPC and under Sections 25/27 of the Arms Act registered at Police Station Ghall Khurd, District Ferozepur (Annexure P-1).

2. As per the complainant, on 09.04.2022, he along with his friends Jora Singh, Bikram and Rohit Kumar left his house on his Innova Car to take diesel from the petrol pump. At about 08:30/09:00 PM, when he along with his friends reached near sem nalla bridge and on the other side of the bridge, one motorcycle Splendor was parked and two young boys were standing there. Out of those two youngsters one person was Monu son of Paramjit Singh and the second young person was unknown. The abovesaid Monu was having a pistol in his hand and pointed the complainant and signalled the complainant to stop the car. The complainant came out of the car and asked them for reason to stop

this car. On this Monu fired from his pistol towards him with an intention to kill him and a bullet hit on the calf of the his right leg below his knee. Monu again fired from his pistol, however, the complaint rushed inside the car and his friend Jora sped away the car from the spot. With these broad allegations, the FIR in the present case was got registered by the complainant.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, which was registered after unexplained delay of one day. Learned counsel further contends that even the offence under Section 307 of IPC is not made out against the petitioner as injuries suffered by the the injured was on the non-vital part of the body. Learned counsel further contends that the petitioner was arrested in the present case on 16.08.2022 and is in custody for the last more than one year. Learned counsel for the petitioner further contends that only challan has been presented and even charges are yet to be framed by the learned Trial Court. Thus, the conclusion of the trial may take considerable time and his further custody will serve no meaningful purpose.

On the other hand learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that serious allegations have been levelled against the petitioner and one more case FIR No. 64 dated 07.05.2020 under Sections 307, 324, 341, 506, 188, 148 and 149 of IPC and under Section 25/27 of the Arms Act, Police Station Kulgari, District Ferozepur has already been registered against the present petitioner. However, he admits that the petitioner has been granted the concession of bail in the said case.

I have heard the learned counsel for the parties and with their able

assistance, I have perused the record carefully.

From the custody certificate filed by learned State counsel during the course of hearing today, it is evident that the petitioner was arrested on 16.08.2022 and is in custody for the last more than one year. Apart from that, only final report under Section 173 Cr. PC has been presented against the petitioner and even charges have not been framed against him. Thus, the trial may take long time to conclude and further incarceration of the petitioner will serve no meaningful purpose.

Without commenting on the merits of the case, 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 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 petitioner.

(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.

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.

18.08.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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