

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

220

CRM-M-22818-2023 (O&M)

Date of decision: 11.05.2023

Mehtab Singh Alias Sunny

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Balbir Singh Jaswal, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.325 dated 31.10.2022, registered under Section 379-B IPC, at Police Station Civil Lines, Police Commissionerate Amritsar.

2. Learned counsel contends that the petitioner is in custody for more than 6 months. Recovery of mobile phone has already been effected from him. Co-accused, who was riding the motorcycle of whom the petitioner was the pillion rider, has been granted regular bail by this Court vide order dated 11.04.2023 after having been in custody for more than 5 months. Challan stands presented in December 2022, however, charges have not been framed and in all there are 11 prosecution witnesses.

3. The custody certificate dated 10.05.2023 filed by learned State counsel is taken on record. As per the same, the petitioner is behind the bars for the last 6 months and 10 days.

4. Learned State counsel opposes the bail on the ground that the

petitioner had actively participated in the commission of the crime and mobile phone has been recovered from him. He is however unable to controvert the submissions regarding the stage of the trial, co-accused having been granted bail and petitioner being not involved in any other case.

5. Heard.

6. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 6 months and 10 days; not involved in any other case; co-accused has been granted bail; though challan was presented in December 2022, however, charges are yet to be framed and in all there are 11 prosecution witnesses, the trial is likely to take a considerable time, his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

7. 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.

8. 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.

9. 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

11.05.2023

S.Sharma(syr)

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