

105+205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-35162-2023 and
CRM-35166-2023 in/and
CRM-M-22960-2023
Date of Decision:25.08.2023

Rohit Kumar Chacha

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Arunjeet Singh Kakkar, Advocate
for the petitioner.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)**CRM-35162-2023**

The petitioner has filed the instant application under Section 482 Cr.P.C. with a prayer to amend head note and prayer clause of the main petition and for addition of offence under Section 201 of IPC, which has been added later on in FIR No.17 dated 14.01.2023 under Sections 307, 331, 353, 186, 149 of IPC.

For the reasons mentioned in the application, the same is allowed, subject to all just exception. Section 201 of IPC is ordered to be added to the head note and prayer clause of the main petition, which has been added later on in FIR No.17 dated 14.01.2023 under Sections 307, 331, 353, 186, 149 of IPC.

Registry is directed to carry out the necessary amendment.

CRM-35166-2023

Prayer in the application is for amendment of para 12 of the main

petition.

For the reasons mentioned in the application, the same is allowed.

CRM-M-22960-2023

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.17 dated 14.01.2023 registered under Sections 307, 331, 353, 186, 149 and 201 of IPC, at Police Station City Faridkot, District Faridkot.

Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 22.01.2023. Still further, even though the presence of the petitioner has been shown at the place of occurrence, but no specific role has been attributed to the present petitioner. After completion of the investigation, the final report under Section 173 Cr.P.C. has been presented against the petitioner and others before the competent Court of law and his further custody will serve no meaningful purpose. Learned counsel further contends that the prosecution has relied upon the statements of 23 witnesses in the challan, whereas the charges against him are yet to be framed. Thus, the learned trial Court may take sufficient long time in concluding the trial proceedings.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner alongwith his other co-accused had brutally beaten up a police official and the petitioner does not deserve the concession of bail. He further contends that three more cases have also been registered against him, however, the petitioner is on bail in all other cases.

I have heard the learned counsel for the parties and perused the record.

From the record, it is apparent that the challan has already been presented against the present petitioner before the concerned Court, however, charges are yet to be framed against the petitioner. Apart from that, the petitioner is in custody for the last more than 7 months and his further incarceration will not serve any meaningful purpose.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned 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 involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday in English calander 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, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

25.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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