

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

223

CRM-M-23522-2023(O&M)
Date of decision: 14.09.2023

Sahil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sunil Agnihotri, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in DDR No.47 dated 15.11.2010 registered under Sections 307, 324, 448, 427, 511, 148 and 149 IPC in FIR No.148 dated 07.11.2010, registered under Sections 452, 324, 506, 148 and 149 IPC and Sections 25, 54, 59 of Arms Act, 1959 at Police Station Mukerian, District Hoshiarpur.
2. Learned counsel contends that the petitioner is in custody for more than 7 months. He is neither named in the DDR nor any overt act has been attributed to him. He was summoned under Section 319 Cr.P.C. He was below 18 years as on the alleged date of occurrence i.e. 06.11.2010. It is a case of version and cross version, the FIR having been registered by the side of the petitioner whereas DDR was by the complainant party, registered after 8 days of it. Challan has been presented in the Juvenile Justice Board on 24.03.2023. Charges are yet to

be framed and in all there are 19 witnesses. Similarly situated co-accused have been acquitted by the Sessions Court vide judgment dated 19.08.2015, Annexure P-3. The petitioner is not involved in any other case.

3. Status report on behalf of respondent-State along with custody certificate dated 13.09.2023 filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 7 months and 20 days.

4. Learned State counsel opposes the bail on the ground that the petitioner had actively participated in the commission of offence and few accused also stand convicted vide judgment dated 19.08.2015. He is however unable to controvert the submissions made regarding the stage of the trial, the petitioner not being involved in any other case and few accused having been acquitted also.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 7 months and 20 days; not involved in any other case; delay of 8 days in lodging the DDR; some co-accused have been acquitted; challan has been presented on 24.03.2023, but charges are yet to be framed and there are a total of 19 prosecution witnesses; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, 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 his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) 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.
- (v) 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.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) 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.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

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 are limited for the purpose of present proceedings and would

not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

14.09.2023
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(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No