

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

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CRM-M-25123-2023 (O&M)

Date of decision: 24.07.2023

Majinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Navjot Singh Wahniwal, 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.32 dated 28.01.2023, registered under Sections 370(5) and 120-B IPC and Section 81 of Juvenile Justice (Care and Protection of Children) Act, 2015, at Police Station Sohana, District SAS Nagar.

2. Learned counsel contends that the petitioner is in custody for the last 5 months and 18 days. He alleges false implication. The bail of the petitioner was rejected on account of the fact that the challan was yet to be presented. However, now challan stands presented as on 26.04.2023. Thereafter, similarly situated co-accused have been granted regular bail by the trial Court vide orders dated 25.05.2023 and 13.07.2023. Charges have not been framed. In all, there are 18 prosecution witnesses. The petitioner is not involved in any other case.

3. The custody certificate dated 23.07.2023 has been filed by learned

State counsel. As per the same, the petitioner is behind bars for the last 5 months and 18 days.

4. Learned State counsel opposes the bail on the ground that the petitioner and the co-accused are in connivance with each other and were making efforts to sell a new born girl child, who is now safe in an Institution. He is however unable to controvert the submissions with regard to stage of the case, co-accused having been granted bail and the petitioner not being involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 5 months and 18 days; not involved in any other case; co-accused have been granted bail; challan stands presented on 26.04.2023, however, charges are yet to be framed; in all there are 18 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.

(AMAN CHAUDHARY)
JUDGE

July 24, 2023
M.Kamra

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