

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-27256-2023
Date of decision: 01.06.2023

Hari Nand Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. G. S. Sidhu, Advocate and
Mr. Mohit Kumar, Advocate
for the petitioner
Mr. H. S. Sullar, Sr. 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. 38 dated 26.01.2017, registered under Sections 323, 341, 506 and 34 of the Indian Penal Code, 1860 at Police Station City Sangrur, District Sangrur.

2. Learned counsel contends that petitioner was granted bail on 05.03.2018, however, he having gone on pilgrimage was unable to appear before the Court on 16.05.2018 and thereafter, due to COVID-19 pandemic, the case was not being taken up and he was declared a proclaimed person vide order dated 06.02.2023 whereafter he surrendered on 26.04.2023 and has since been in custody. Though, charges were framed way back on 05.03.2018, however, only

one out of 12 prosecution witnesses have been examined. He is not involved in any other case.

3. The custody certificate filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for the last 1 month and 05 days.

4. Learned State counsel opposes the bail on the ground that the petitioner remained proclaimed person and surrendered only on 26.04.2023. However, he is unable to controvert the submissions with regard to the stage of the case and he being not involved in any other case.

5. Heard.

6. In view of the facts and circumstances of the case that the petitioner has been in custody for the last 1 month and 05 days; he is not involved in any other case; charges have been framed but only 1 out of 12 prosecution witnesses has been examined; the trial is likely to take considerable time, his 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 his 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 clear that in case of any infraction of any 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

01.06.2023

Mehak

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