

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRR-1142-2020 (O&M)
Date of decision: 16.03.2023

AKASHDEEP SINGH @ YADI MAHAL @ YADU @ YADWINDER @
AKASHBIR SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ramesh Sharma, Advocate for
Mr. Shaurya Puri, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

The present revision petition has been filed for setting aside the order dated_09.07.2020 passed by the Additional Sessions Judge, Kapurthala and for the grant of regular bail to the petitioner in respect of FIR No. 103 dated 07.05.2019 under Sections 307, 353, 186, 224, 225, 379-B, 411, 120-B, 34 IPC and Section 25 and 27 of the Arms Act registered at Police Station City Kapurthala.

Learned counsel contends that the petitioner has been in custody for the last 3 years 2 months and 13 days having been arrested on 03.01.2020. He was not named in the FIR. However, it on basis of the disclosure statements of the co-accused that his name has been surfaced as per which at the time of the incident, he was alongwith them. He further submits that at that time, the petitioner was 17 year of age and his bail application has been dismissed only on the ground that if he released shall come in the company of criminals. There is no injury attributed

to the petitioner. The investigation is complete. Though, challan has been presented way back on 13.08.2019 but charges are not yet been framed and in all, there are 35 prosecution witnesses.

Learned State counsel opposes the bail on the ground that the petitioner was part of the unlawful assembly and he alongwith other co-accused had helped escape Harbhej Singh @ Bheja. However, he is unable to controvert the other submissions with regard to custody, stage of the trial and that the petitioner at the time of incident was 17 years of age.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody for the last 3 years 2 months and 13 days. Though, challan has been presented, charges are yet to be framed and in all, there are 35 prosecution witnesses; the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed and the order dated 09.07.2020 passed by the Additional Sessions Judge, Kapurthala is hereby set aside. 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.

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.

In view of the above, this Court makes it 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

16.03.2023

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