IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

224 CRM-M-34335-2023 (O&M)
Date of decision: 24.07.2023

Surjit Kumar @ Sheetu

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Ashish Bakshi, Advocate for the petitioner.

Mr. HS Sullar, Sr. DAG, Punjab.

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AMAN CHAUDHARY, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.23 dated 07.02.2023, registered under Sections 379 B (2), 506 and 34 IPC (Section 411 IPC added later on), at Police Station Tibba, Ludhiana.

2. Learned counsel contends that the petitioner is in custody for the last about 5 months 15 days. There was a delay of one day in lodging the FIR. Recovery of snatched mobile and motorcycle used in the crime have been effected from the accused. He is not involved in any other case. Challan stands presented on 15.05.2023, however, charges have not been framed and in total there are 10 witnesses.

3. Learned State counsel on the other hand opposes the bail on the ground that the petitioner and his co-accused had snatched mobile phone of the complainant by showing an iron rod. Recovery stands effected. He is however unable to controvert the submissions made regarding the custody, stage of the trial and the petitioner not being

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involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for more than 5 months; not involved in any other case; though challan stands presented but charges are yet to be framed and in all there are 10 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.

6. 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

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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.

7. 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.

8. 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

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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