

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

232

CRM-M-32348-2023 (O&M)

Date of decision: 18.08.2023

Gurusimran Singh @ Simran

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sunny K. Singla, Advocate for the petitioner

Ms. Himani Arora, AAG, Punjab

Mr. Himanshu Puri, Advocate, for respondent No.2

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.48, dated 16.05.2023, registered under Sections 307, 160, 148, 149 IPC and Section 25 of Arms Act, 1959, at Police Station Dehlon, District Ludhiana.

2. Learned counsel contends that the petitioner is 21 years old and in custody for about 03 months. As per the allegations in the FIR, the petitioner has not been attributed any specific role but for his presence at the time of occurrence. The matter has been otherwise compromised on 29.05.2023, affidavit in that regard has been placed on record as Annexure P-2. Co-accused Sukhwinder Singh and Jagjeet Singh were granted concession of interim anticipatory bail by this Court vide order dated 27.06.2023, Annexure P-4. Charges have been framed on 01.08.2023 but none out of 12 prosecution witnesses has been examined. The petitioner is not involved in any other case.

3. The custody certificate dated 17.08.2023 has been filed by learned

State counsel. As per the same, the petitioner is behind bars for 02 months and 29 days.

4. Learned counsel for the complainant affirms the factum of compromise and he has no objection to grant of regular bail to the petitioner.

5. Learned State counsel opposes the bail on the ground that the petitioner has actively participated in the commission of crime. On instructions from Gurmeet Singh ASI, she is however unable to controvert the submissions with regard to stage of the case, co-accused have been granted interim anticipatory bail, compromise having been effected between the parties and the petitioner is not involved in any other case.

6. Heard.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 02 months and 29 days; not involved in any other case; co-accused have been granted on interim anticipatory bail; matter has been compromised; charges stand framed on 01.08.2023, there a total of 12 prosecution witnesses but none has been examined, 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.

8. 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 him 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.

9. 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.

10. 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

18.08.2023

Ankur

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