

CRM-M-36089-2022(O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision:-26.04.2023

SUBHASH KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present :- Mr.Deepak Aggarwal, Advocate
for the petitioner

Mr.Pankaj Khullar, AAG Punjab

ALOK JAIN, J. (Oral)

CRM-12905-2023

The instant application has been filed for placing on record the statement of Harkirtan Kaur-PW2 (complainant), as Annexure P-3.

Application is allowed as prayed for. Annexure P-3 is taken on record.

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Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.53 dated 18.06.2022 under Sections 354-B, 323 and 34 IPC, registered at Police Station S.G.N.Dev Thermal Plant, District Bathinda.

Learned counsel for the petitioner submits that the petitioner has

not been specifically named in the FIR and the complainant has also been examined before the learned trial Court. He further submits that the petitioner is in custody since 10.07.2022.

Learned State counsel has filed the custody certificate dated 24.04.2023, which is taken on record. Learned State counsel does not dispute the aforesaid facts.

After hearing learned counsel for the parties and the fact that the complainant has been examined, which transpires that the trial is progressive and the petitioner is in custody since 10.07.2022 and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as

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imposed in addition to Section 439 of Cr.P.C.

However, nothing, stated above, shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

26.04.2023

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Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No