

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

216

CRM-M-36968-2023(O&M)
Date of decision: 04.08.2023

Salender Jha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Jigyasa Tanwar, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.50 dated 11.03.2023, registered under Sections 307, 323, 341, 506, 148 and 149 IPC, at Police Station Jamalpur, Ludhiana.
2. Learned counsel contends that the petitioner is in custody for about 5 months. There is a delay of 3 days in lodging the FIR. It is a case of version and cross version, wherein DDR was registered by the son of the petitioner, on account of having received multiple injuries and for which MLR was also conducted. He has been falsely implicated in the case. As per the FIR, no specific injury has been attributed to the petitioner but for the allegation of he being along with the other co-accused at the time when occurrence took place. The injury attracting offence under Section 307 IPC is attributed to co-accused-Rahul Kumar

who is in custody. Other co-accused have been granted anticipatory bail by this Court. Challan was presented on 05.06.2023, however, charges are yet to be framed and in all there are 11 witnesses. The petitioner is not involved in any other case.

3. The custody certificate dated 04.08.2023, filed by learned State counsel is taken on record. As per the same, the petitioner is behind bars for 4 months and 21 days.

4. Learned State counsel opposes the bail on the ground that petitioner was part of the unlawful assembly and injuries were inflicted by co-accused to the injured-Shintoo. She is however unable to controvert the submissions made regarding the stage of the trial, co-accused have been granted anticipatory bail and the petitioner not being involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 4 months and 21 days; not involved in any other case; no specific attribution to him; the co-accused have been granted anticipatory bail; though challan stands presented on 05.06.2023, however, charges have not yet been framed and in all there are 11 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.

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:-

- (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.

8. 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.

9. 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.

04.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No