

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

CRM-M-38520-2023

Date of Decision:11.08.2023

Surinder Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.0122 dated 18.08.2022 registered under Sections 363, 365, 380, 451, 342 of IPC (Section 120-B IPC added later on) at Police Station, Dugri, District Ludhiana.

The FIR in the present case was registered on the basis of the statement made by Neha wife of Sajjan Kumar, who alleged that at about 11.00 am on 18.08.2022, her son, aged about three months, was lying in swing in their room and she was busy in household works. In the meantime, two unknown young persons entered the courtyard and were carrying sticks in their hands and by threatening them, they had kidnapped her son. They also snatched one mobile phone and Rs.1,000/- from her. Later on, on the basis of CCTV footage, Inderpal Singh @ Sonu, Sanjay Mishra, petitioner, Ram Singh and Sonu Kumar were nominated as an accused in the present case.

Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 19.08.2022. He further contends that only two witnesses, out of total 15 witnesses, have been examined so far and the conclusion of the trial will take a long time.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the petitioner is in custody since 19.08.2022 and only two witnesses, out of total 15 witnesses, have been examined so far and the conclusion of the trial will take a long time.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the*

same, he shall swear an affidavit to that effect.

- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) *The concerned Court may insist for two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

11.08.2023

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(N.S.SHEKHAWAT)
JUDGE

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