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

CRM-M-39019-2023

Date of Decision: 23.11.2023

Dalbir Singh alias Pakhana

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Sidhant Vermani, Advocate
for the petitioner.

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

N.S. SHEKHAWAT, J. (ORAL)

1. The petitioner has filed the instant petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.7 dated 05.01.2023 registered under Sections 379-B(2)/379/411 read with Section 28 of Arms Act, at Police Station Islamabad, District Amritsar.

2. The FIR in the present case was registered on the basis of the written complaint made by Vinod Kumar with the allegations that at about 10.30 p.m. on 04.01.2023, he was going on foot in the area of Guru Nankpura. When he reached near Karan Sweet Shop, two persons on motorcycle came from the side of Chowk Pannu and stopped their motorcycle near him. The pillion rider of the motorcycle was having datar in his hand and he asked him to hand over his mobile phone otherwise he would give datar blow on him. Due to fear, the complainant handed over his mobile to them and after snatching the mobile phone, the said persons fled away. It has been alleged that later on, the

petitioner was arrested in a case FIR No.129 dated 01.04.2023, under Sections 379-B/379/411 of IPC and Sections 28/54/59 of Arms Act, at Police Station Islamabad, Amritsar and he had suffered a disclosure statement with regard to the involvement in the present case as well.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been arrested on 11.04.2023 i.e. after four months of the alleged incident. He further contends that in the present case, the investigation has been completed and charge is yet to be framed against the present petitioner. He further contends that the trial Court may take considerable time in concluding the trial.

4. On the other hand, status report by way of an affidavit of ACP (Central), Amritsar City has been filed on behalf of the respondent and the same is taken on record. learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that two more cases have already been registered against the present petitioner. Thus, the petitioner does not deserve the concession of bail by this Court.

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

6. The petitioner is in custody for the last more than 7 months and charge is yet to be framed against the present petitioner. The trial is yet to formally commence against the petitioner; there would be no justification for keeping the petitioner behind bars any further.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty

Magistrate/CJM 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 on 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.*

(N.S. SHEKHAWAT)
JUDGE

23.11.2023
hemlata

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