

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40197-2023

Date of Decision:30.10.2023

Seepa Singh @ Peetu @ Sunny

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Fatehjeet Singh, 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 the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.232 dated 03.08.2021 registered under Section 379-B(2) IPC (Sections 397, 326, 324, 201 IPC added later on), at Police Station City Faridkot, District Faridkot.

2. The FIR in the instant case was got registered by Charanjit Singh son of Jugraj Singh by alleging that at about 8.45 pm on 02.08.2021, he was going to his village Pipli from Faridkot on his Alto 800 car bearing registration No.PB-04U-7248, which was being repaired by him. When he reached near Octroi Post No.5, Opposite Pakhi Kalan Road, certain cows came on the road and he slowed down the car. The four boys, riding on a motorcycle, reached there and stopped his car. All of them alighted from the motorcycle and opened the door of the car and pulled him out of the car. All of them were having kapas on their hands and they started giving him injuries. The complainant was caused injuries by them and they also snatched one mobile make Samsung S-10

Blue colour and also a sum of Rs.10,000/- from him. On these broad allegations, the FIR in the present case was registered against unknown persons.

3. Learned counsel for the petitioner contends that the FIR in the present case was registered against unidentified persons, who had allegedly committed the offence. He further contends that there is no averment in the FIR, which even remotely suggests the involvement of the present petitioner. He further contends that the petitioner was ordered to be arrested in the present case on 11.11.2021 and is in custody for the last about two years. Learned counsel further contends that three witnesses have been examined, out of total 19 witnesses and his further incarceration shall not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner by contending that four other cases have already been registered against him. He further contends that the petitioner is a habitual offender and he may try to influence the witnesses of the prosecution. However, it is not in dispute that out of four cases, the petitioner has already been granted the concession of bail in three cases. Learned State counsel further submits that the complainant had suffered three injuries and out of the said injuries, only one injury has been declared to be grievous.

5. I have heard learned counsel for the parties and perused the record carefully with their assistance.

6. It is not in dispute that the petitioner is continuing in custody since 11.11.2021 and is in custody for the last about 02 years. Only three witnesses

have been examined by the prosecution so far and the trial proceedings may take quite a long time. Even learned State counsel has not placed on record any evidence to suggest that the petitioner may influence the witnesses of the prosecution or may abscond from the process of law. Apart from that, similarly placed co-accused, namely, Rajan Singh, has already been granted the concession of regular bail by this Court in CRM-M-36350-2022 on 06.07.2023 (Annexure P-2).

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 on two heavy local sureties 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 Monday of 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 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.*

30.10.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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