

CRM-M-40677-2023

Date of Decision: 07.12.2023

Arjun Thakur

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Nikhil Ghai, 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.9 dated 29.05.2023 registered under Sections 384, 506, 120-B of IPC and Section 25, 25(7) of Arms Act, at Police Station State Special Operations Cell, District SAS Nagar, Mohali.

2. The FIR in the present case was registered on the basis of the secret information to the effect that Arjun Thakur, Rohit Bhardwaj @ Rimmi, Mohit Bhardwaj, Sukhwinder Singh @ Shoki Sardar and some unknown persons had formed a gang and had further affiliation with different gangs. They were demanding money from businessmen and reputed persons of Punjab. In case, the money was not given to them, they would issued threats to these businessmen and their families. Even they were in possession of illegal arms and ammunition. On getting the said information, the FIR in the present case

was registered against the present petitioner and others.

3. Learned counsel for the petitioner contends that the petitioner and Rohit Bhardwaj were child hood friends and had business rivalry with many persons. Due to this, they were falsely involved in the several cases. He further contends that in the present case, no recovery has been effected from the present petitioner. Apart from that, false allegations of extortion have been levelled against him. In fact, similarly placed co-accused, namely, Mohit Bhardwaj has already been granted the concession of bail by the Court of Additional Sessions Judge, SAS Nagar, Mohali. The petitioner was arrested in the present case on 29.05.2023 and is in custody for the last more than 06 months. Even the challan has already been presented against the present petitioner in the present case and the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner was part of a gang and was a habitual offender. Three more cases were also registered against the present petitioner and he does not deserve the concession of bail by this Court.

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

6. In the present case, the FIR has been registered on the basis of the secret information and after arrest of the petitioner, no recovery has been effected from him. The petitioner is in custody for the last more than six months and the challan has already been presented against him. Moreover, similarly placed co-accused, Mohit Bhardwaj has already been granted the

concession of bail by the Court of Additional Sessions Judge, SAS Nagar, Mohali on 25.07.2023. Further, custody of the petitioner will not serve any meaningful purpose.

7. 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 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 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.*

07.12.2023
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(N.S.SHEKHAWAT)
JUDGE

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