

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

CRM-M-40836-2023

Date of Decision:14.09.2023

Gagandeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Suvir Sidhu, Advocate with
Mr. Harlove Singh Rajput, Advocate and
Mr. Gursher Singh Dhillon, 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.80 dated 09.05.2023 registered under Sections 382 of IPC and Section 25 of Arms Act, at Police Station Mataur, District SAS Nagar (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the recovery of Rs.13,000/- was planted on him. He was arrested on 13.05.2023 and is in custody for the last four months. Learned counsel further contends that all the co-accused, namely, Manjeet Singh, Ajay Kumar, Rupinder Singh, Manish Kumar @ Mani and Gurdeep Choudhary have already been granted the concession of bail vide orders Annexures P-4 to P-8.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that 15

more cases have already been registered against the present petitioner and he is habitual offender.

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

5. In the present case, learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that 15 more cases have been registered against the present petitioner, however, in all cases, he is on bail.

6. Learned counsel for the petitioner has relied upon the judgment passed by the Hon'ble Supreme Court in the matter of “**Maulana Mohd. Amir Rashadi Vs. State of U.P. and another**”, 2012(2) SCC 382 to contend that the facts and circumstances of the present case are to be seen and the bail application of an accused cannot be dismissed on the ground that he is involved in other cases. In the present case also, the petitioner is already on bail in all other cases and his co-accused have already been granted the concession of bail vide orders Annexure P-4 to P-8.

7. Without commenting any further on the merits, 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 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 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.*

14.09.2023
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(N.S. SHEKHAWAT)
JUDGE

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