

231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41724-2023

Date of Decision: 12.12.2023

Madan Simar

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Lakshay Bector, 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.60 dated 13.04.2023 registered under Sections 489-A, 489-B, 489-C, 489-D, 489-E of IPC, at Police Station Sadar Khanna.

2. Learned counsel for the petitioner contends that the petitioner had no concern with the alleged offence and the recovery had been planted on him. He further contends that the petitioner was not named in the present case and has been arrayed as an accused on the basis of the disclosure statement suffered by co-accused. He further contends that the petitioner was arrested in the present case on 16.04.2023 and is in custody since then. He further contends that similarly placed co-accused, Manoj Kumar @ Vijay has been granted the concession of bail by this Court vide order dated 22.11.2023.

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

more case of similar nature has been registered against the present petitioner.

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

5. It is evident from the record that similarly placed co-accused Manoj Kumar @ Vijay has already been granted the concession of regular bail by this Court vide order dated 22.11.2023. The petitioner is in custody since 16.04.2023 and the conclusion of the trial may take quite a long time.

6. 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.*

12.12.2023

hemlata

(N.S.SHEKHAWAT)
JUDGE

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