

2023:PHHC:137427

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM M-41481 of 2023 (O&M)
Date of Decision: 20.10.2023

Gurjant Singh @ Noni

...Petitioner

Vs.

State of Haryana

...Respondent

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

Present : Ms. Nisha, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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 a regular bail in case FIR No.388 dated 03.10.2022 registered under Sections 379-B and later on added Sections 120-B and 201 of IPC at Police Station Sector 14, District Panchkula.

2. The FIR in the present case was registered on the basis of the complaint made by Laxmi Narayan @ Lucky. As per the story of the prosecution on 03.10.2022, after collecting money from different firms, he was going to his shop and three boys stopped his motorcycle and started talking to him. One boy hit on both his hands with some sharp edged weapons and snatched his bag and ran away and a sum of Rs. 14 lacs was snatched from him and they fled away with the bag

containing money, DL, RC, Aadhar Card, Voter Card, ATM Card, Credit Card, transaction copy and other documents. With these main allegations, the FIR in the present case was registered against the petitioner.

3. Learned counsel for the petitioner contends that the petitioner was not named as an accused in the present case and has been nominated as accused on the basis of the disclosure statement suffered by the co-accused. She further contends that the petitioner is in custody for the last 01 year as the petitioner was arrested on 14.10.2022. She further contends that in the present case, the challan was presented on 06.01.2023 and charges have not been framed against the present petitioner.

3. A short reply by way of an affidavit of the Assistant Commissioner of Police, Crime, Panchkula has been filed on behalf of the respondent-State and the same is taken on record. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that two more cases have also been registered against the present petitioner and the petitioner is not entitled for the concession of regular bail.

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

5. It is not in dispute that the petitioner is in custody for more than 01 year and the trial has not progressed much. Only the

charges were ordered to be framed on 06.01.2023 and further custody will serve no meaningful purpose.

7. In view of the above, 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 involved 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 an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails 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 for the complainant shall be at liberty to move an appropriate application in this regard.

20.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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