

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

244

CRM-M-43808-2023

Date of decision: 11.09.2023

Nishan Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Balbir Singh Jaswal, Advocate for the petitioner.

Mr. H.S. Sullar, Sr. DAG, Punjab.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.49 dated 29.04.2022, registered under Sections 379-B and 34 IPC (Sections 201/379B(2) IPC added later on) and Section 25 of Arms Act, 1959 at Police Station Kamboj, District Amritsar Rural.

2. Learned counsel contends that the petitioner is in custody for 09 months. There is a delay of 07 days in lodging the FIR. His name surfaced based on the disclosure statement of co-accused Lovepreet Singh @ Love, who was arrested in the case on 25.05.2022. No recovery was effected from the petitioner. However, the motorcycle has been recovered from the co-accused Nishan Singh @ Nishan, who has been granted regular bail by this Court vide order dated 24.05.2023. Charges framed on 08.10.2022 but out of 17 prosecution witness, none has been examined. He is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that the

petitioner had actively participated in the offence, having snatched the ear-rings, which have not though been recovered as the petitioner and his co-accused, are stated to have sold the same. Thus, Section 201 IPC has also been added. He is however unable to controvert the submissions with regard to custody, stage of the case, co-accused has been granted bail and the petitioner is not involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 09 months; not involved in any other case; co-accused has been enlarged on bail; charges were framed on 08.10.2022; out of 17 prosecution witnesses, none has been examined so far; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

6. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

- (i). The petitioner will not tamper with the evidence during the trial.
- (ii). The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii). The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv). The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v). The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts

to the Court or to any police officer or tamper with the evidence in any manner.

- (vi). The petitioner shall not in any manner misuse his liberty.
- (vii). The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii). The petitioner shall not leave the country without prior permission of the trial Court.
- (ix). The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

8. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

11.09.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No