

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48419-2023

Date of Decision: 23.11.2023

Ajay ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Ms. Arshdeep Kaur, 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.43 dated 02.05.2023 registered under Sections 379-B(2) of IPC, at Police Station Raja Sansi, Amritsar.

2. The FIR in the present case was registered on the basis of the statement made by Raju Singh, complainant. As per him, at about 12.10. am on 02.05.2023, he got late at work and called his nephew Ajay at Downtown Restaurant. When he and his cousin Ajay were about to leave the restaurant, all of a sudden 5 unknown persons came on three motorcycles with muffled faces and after beating them, they snatched their motorcycles. As per the case of the prosecution, the petitioner was arrested in another case FIR No.40 dated 04.05.2023 under Sections 379-B(2) of IPC and 25 Arms Act, at Police Station Sadar Batala and on the basis of the disclosure statement suffered by him in the said case, he was also arrayed as an accused in the present case.

3. Learned counsel further contends that the petitioner was not named in the present case and has been falsely involved. Even the case was registered against five unknown persons and the petitioner has been nominated as an accused on the basis of the disclosure statement suffered by his co-accused Navdeep Singh @ Nav @ Ghulla as well as his own statement, recorded by the police in custody. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 25.05.2023 and is in custody since then. Only charge has been framed against the petitioner and the prosecution may take considerable time in adducing its evidence before the trial Court.

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 is involved in two more cases and does not deserve the concession of bail.

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

6. In the present case, the petitioner is incarcerated since 25.05.2023 and the trial Court is yet to formally commence before the trial Court. No doubt, two more cases have been registered against the present petitioner, however, the petitioner can be enlarged on bail, by imposing various stringent conditions on him.

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 sureties 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 and 3rd 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 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 shall be at liberty to move an appropriate application in this regard.*

23.11.2023

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**(N.S.SHEKHAWAT)
JUDGE**

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