

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108+219

CRM-M-46301-2022 (O&M)

Date of decision: 20.02.2023

HUSSANPREET SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ramandeep, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

CRM-49016-2022

For the reasons stated in the application, same is allowed. Annexure
P-9 is taken on record, subject to all just exceptions.

CRM-M-46301-2022

The present petition has been filed under Section 439 Cr.P.C. for the
grant of regular bail to the petitioner in respect of FIR No.72 dated 29.04.2022,
under Sections 323, 307, 506, 148, 149 of the IPC and Sections 25 and 27 of the
Arms Act, 1959 (challan presented under Sections 323, 307, 506, 34 IPC and
Sections 25/54/59 of the Arms Act) registered at Police Station Kotwali, District
Patiala, Punjab.

Learned counsel contends that the petitioner, who is 19 years old, has
been in custody since 06.05.2022. The injury allegedly attributed to the petitioner
has been declared as simple in nature, for which learned counsel places reliance on

the said fact having been mentioned in the challan. Co-accused have been granted bail by this Court vide Annexures P-7 and P-8. Charges were framed on 17.08.2022, however, out of 34 witnesses none has been examined.

Learned State counsel opposes the bail on the ground that gunshot injury was attributed to the petitioner and he is involved in two other FIRs. He is however unable to controvert the submissions made by learned counsel for the petitioner regarding period of custody, injury being declared simple and that the co-accused have been granted bail

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner, who is 19 years old, has been in custody since 06.05.2022; the alleged injury attributed to the petitioner has been declared simple in nature; Co-accused have been granted bail by this Court vide Annexures P-7 and P-8; though charges were framed on 17.08.2022, however, out of 34 witnesses none has been examined; the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

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:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. 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.

- 5. 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.
- 6. The petitioner shall not in any manner misuse his liberty.
- 7. 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.
- 8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

It is made 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.

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

(AMAN CHAUDHARY)
JUDGE

February 20, 2023

S.Sharma(syr)

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