

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217

CRM-M-47072-2022
Date of decision: 06.02.2023

GURJINDER SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jasdeep Singh, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

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. 48 dated 17.03.2022 under Sections 341, 323, 506 and 34 IPC (Sections 325 and 308 IPC added later on) registered at Police Station City Sadar Faridkot, District Faridkot vide DDR No. 26 dated 13.06.2022.

Learned counsel for the petitioner contends that the petitioner has been in custody since 19.09.2022. The petitioner is alleged to have caused grievous injuries on the person of the complainant. Challan was presented on 14.11.2022, however, charges are yet to be framed and in all, there are 11 prosecution witnesses; the petitioner is not involved in any other case. During the pendency of the present case, there is a compromise that has been arrived at between the parties and the petition for quashing of the FIR in question by way of compromise has been filed bearing CRM-M-60793-2022 wherein vide order

dated 04.01.2023, statements have been directed to be recorded of the parties and the case is now adjourned to 14.03.2023.

Learned State counsel has filed custody certificate, same is taken on record, as per which the petitioner is in custody since last 4 months and 20 days. He opposes the bail on the ground that two grievous injuries have been given by the petitioner. However, he is unable to controvert the fact regarding the stage of trial and that the petitioner is not involved in any other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 19.09.2022; matter has been compromised on basis of which, this Court has directed statements to be recorded of the parties in the petition filed for quashing by compromise; is not involved in any other case and the challan has been presented on 14.11.2022, charges have not been framed and there are a total of 11 prosecution witnesses and 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 of any infraction of any 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

06.02.2023
Mehak

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