

106+224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-52361-2023 in/and
CRM-M-45707-2023
Date of Decision: 13.12.2023

Vishal Gill @ Vishal Jacob ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sahil Nain, Advocate for
Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, Additional Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

CRM-52361-2023

1. Application is allowed as prayed for. Annexure P-3 is taken on record.

CRM-M-45707-2023

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.137 dated 14.09.2022 registered under Sections 399, 402 of IPC, 1860 (Sections 25(7), 54-59 of Arms Act, 1959 added later on), at Police Station Division No.3, District Ludhiana.

2. The FIR in the present case was registered on the basis of the secret information to the effect that Jacob @ Vishal Gill, Deepu Kumar @ Dep, Jatin Bains @ Nanna, Naveen Masih and Jatin Monga @ Trendy are habitual of committing snatching. On 14.09.2022, they were all sitting at Kacha Path and

were armed with deadly weapons. As per the said report, they were planning to commit decoity in some financial institute or factory and if the raid was conducted, they could be apprehended. On getting the information, a raid was conducted and the petitioner was arrested on 12.10.2022.

3. Learned counsel for the petitioner contends that the petitioner was wrongly arrested by the police. Even the version mentioned in the FIR was highly unbelievable. He further contends that 32 bore pistol and two live cartridges were planted on him. The petitioner is in custody since last more than 01 year and 2 months and challan has already been presented against him. He further contends that the conclusion of the trial may take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 11 other FIRs have been registered against the present petitioner. However, he admits that the petitioner is on bail in all other cases.

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

6. The petitioner was arrested in the present case on 12.10.2022 and is behind bars for the last more than 01 year and 2 months. The charge is yet to be framed against the present petitioner and since the trial has not even formally commenced, his further detention in jail would not serve any useful purpose.

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 surties 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.*

13.12.2023

hemlata

(N.S.SHEKHAWAT)
JUDGE

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