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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46756-2023

Date of Decision: 07.12.2023

Shaminder Singh @ Shammi

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Balkarn Singh Aulakh, 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.110 dated 12.07.2023 registered under Sections 411, 201 of IPC and Sections 25, 54, 59 of Arms Act, at Police Station City Malout, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. He further contends that one FIR No.45 dated 12.07.2023 under Section 379 IPC, Police Station Khuhi Khera, District Fazilka was already registered with regard to the same incident and later on, the complainant got the present case registered by exercising his influence. He further contends that the petitioner was arrested in the present case on 12.07.2023 and is in custody for the last about 5 months. He further contends that recovery in the present case has already been effected from the present petitioner and the final report under Section 173 Cr.P.C. has already

been presented before the Court. He further contends that the conclusion of the trial may take quite a long time.

3. On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that 11 other cases have been registered against the present petitioner. However, it is apparent that he is on bail in most of the cases.

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

5. The petitioner was arrested in the present case on 12.07.2023 and the challan has already been presented against him. Recoveries have already been taken place from him. Moreover, the apprehensions expressed by learned State counsel can be allayed by imposing stringent conditions on the present petitioner.

6. 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 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 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.*

07.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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