

2023:PHHC:140454

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

249

CRM M-53857 of 2023
Date of Decision: 02.11.2023

Akashdeep Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

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

Mr. M.S. Bajwa, DAG, 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 a regular bail in case FIR No.177 dated 28.07.2019 registered under Sections 379-B, 411 and 34 IPC at Police Station Beas, District Amritsar.

2. The FIR in the present case was got registered by Rekha wife of Hemraj by alleging that at about 11.00 a.m. on 28.07.2019, she was going to the market for some domestic work and two young boys came on a motorcycle. The boy, who was a pillion rider on the motorcycle, snatched her gold ear rings and fled away from the spot. With these broad allegations, the FIR in the present case was registered against the unknown persons.

3. Learned counsel for the petitioner contends that the petitioner is a young boy aged about 23 years and has been falsely involved in the present case. He further contends that he was earlier arrested in the present case on 01.08.2019 and remained in custody for more than 02 months. However, after grant of bail, he could not appear before the trial Court and was ordered to be declared a proclaimed offender on 23.02.2023. He next contends that the petitioner was rearrested on 02.05.2023 and is in custody since then. Learned counsel submits that the petitioner has suffered incarceration for about 08 months and 19 days in totality and his continuation in jail would bring him in association with criminals, who are confined in jail. Since, he is a first offender and similarly placed co-accused have already been granted the concession of bail, he may be ordered to be enlarged on bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was declared to be a proclaimed offender and was rearrested on 02.05.2023. However, he concedes that no other criminal case was ever registered against the present petitioner.

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

6. It is apparent that the petitioner has been in custody for almost 08 months and 19 days. Similarly placed co-accused has already been admitted to bail and charges are yet to be framed against the petitioner and further custody of the petitioner will not serve any meaningful purpose.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM 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 gets involved 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 an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday in 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.

02.11.2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No