

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-50046-2023 (O&M)
Date of Decision:18.12.2023**

Darshan Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Ankush Singla, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. P.S Sekhon, Advocate
for the complainant.

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.222 dated 07.11.2022 registered under Sections 323, 341, 148, 149 of IPC (offence u/s 325 IPC added later on) (offence u/s 308 IPC added later on), at Police Station City Budhlada, District Mansa (Annexure P-1).

2. Learned counsel for the petitioner submits that initially the FIR was registered under Sections 323, 341, 148 and 149 of IPC. However, on the next day, the offence under Section 325 IPC was added wrongly. Learned counsel further submits that the offence under Section 308 IPC has been added in the present case after 10 months of registration of the FIR, without any further evidence/medical report. He further contends that in the present case, the petitioner has been shown to be simply present at the place of occurrence and it

was alleged that he had exhorted the other accused to cause injuries to the complainant. The petitioner is in custody since 30.08.2023 and the challan has already been presented against the present petitioner. He further contends that Hardeep Singh and Bacchittar Singh have already been granted the concession of bail by this Court vide order dated 16.11.2023 (Annexure R-1).

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are specific allegations against the petitioner and he had actively participated in the commission of crime.

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

5. Even though, the petitioner is specifically named in the FIR, but no specific role has been assigned to petitioner. The petitioner is in custody for the last about 04 months and challan has already been presented in the present case.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

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

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

8. Pending application(s) stands disposed off, accordingly.

(N.S.SHEKHAWAT)
JUDGE

18.12.2023
hitesh

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