

231

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-50937-2023****Date of Decision: 11.12.2023**

Prince @ Prince Singh Maan

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Tarun Seth, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, 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.144 dated 19.07.2023 registered under Sections 379-B, 34 of IPC, at Police Station City Jagraon, District Ludhiana Rural.

2. The FIR in the present case was registered on the basis of the statement made by Sukhdeep Singh son of Davinder Singh. At about 4.45 p.m. on 12.07.2023, he was going towards Legacy Immigration Services on foot in order to take his wife after her work. In the meantime, 4 motorcyclists came from behind and they stopped their motorcycle near him. Three persons alighted from the motorcycle and they started scuffling with him. The said three persons forcibly snatched the mobile phone from him and pushed him on the ground. The petitioner raised the noise to save himself and the accused fled from the spot. After this incident, he made efforts to trace the aforesaid

assailants in Jagraon City and surrounding villages and he came to know about the names of the accused as Prince son of Surjit Singh resident of Near Gurudwara Bhora Sahib, Sidhwan Bet, Tehsil Jagraon, District Ludhiana and Farid Mehmood @ Afridi son of Mehmood Alam, resident of Backside Main Gurudwara Sahib, Sidhwan Bet, Tehsil Jagraon, District Ludhiana, Harjitpal Singh son of Zora Singh resident of Rasoolpur (Jandi), Tehsil Jagraon, District Ludhiana and Sandeep Singh Senta son of Boota Singh resident of Galib Kalan, Tehsil Jagraon, District Ludhiana at present resident of Tajpur Road, Ludhiana.

3. Learned counsel for the petitioner submits that in the present case, the incident had taken place on 12.07.2023, whereas the FIR in question was registered on 19.07.2023, after a delay of more than 6 days. Even the allegations levelled in the FIR were highly improbable. As per the complainant, he himself investigated the matter at his own level and found that the petitioner was involved in the crime. Still further, petitioner was arrested in the present case on 19.07.2023 and the alleged recovery has already taken place from the petitioner and his co-accused. Thus, further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

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

6. In the present case, the petitioner is in custody since 19.07.2023 i.e. for the last about 05 months. No useful purpose would be served by keeping the petitioner in custody behind bars.

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.*

11.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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