

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

220

CRM-M-51332-2023(O&M)
Date of decision: 13.10.2023

Sachin Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Shrey Goel, Advocate for the petitioner.

Mr. HS Sullar, Sr. DAG, Punjab.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.23 dated 07.02.2023, registered under Sections 379-B(2), 506 and 34 IPC, at Police Station Tibba, Ludhiana.
2. Learned counsel contends that the petitioner is in custody for about 8 months. He has been falsely implicated in the present case on account of an old rivalry. There is no recovery that has been effected from him. The mobile allegedly snatched and motorcycle used in the crime were recovered from co-accused-Kamaldeep Singh @ Monu and Surjit Kumar @ Sheetu, who have been granted regular bail by this Court vide orders dated 13.09.2023 and 24.07.2023, Annexures P-3 and P-4, after being in custody 7 months, 4 days and 5 months,15 days, respectively. The petitioner is not involved in any other case. Challan was presented on 15.05.2023, however, charges have not been framed and there are 10 PWs.

3. The custody certificate dated 12.10.2023, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 8 months and 4 days.

4. Learned State counsel opposes the bail on the ground that the petitioner had actively participated in the commission of offence, wherein a mobile was snatched from the complainant by showing an iron rod by co-accused Kamaldeep Singh @ Monu and recovery has been effected from the co-accused. He is however unable to controvert the submissions made regarding stage of the trial, petitioner not being involved in any other case and co-accused have been granted bail.

5. Heard.

6. Keeping in view the facts and circumstances of the case, in particular that the petitioner is in custody for last 8 months and 4 days; not involved in any other case; co-accused have been enlarged on bail; challan was presented on 15.05.2023 but charges are yet to be framed and in all there are 10 prosecution witnesses; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.

- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

13.10.2023
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(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No