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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52737-2023

Date of Decision: 30.11.2023

Tirath Ram

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Mayan Ranaut, 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.124 dated 18.06.2018 registered under Section 379-B, 34 of IPC, at Police Station Division 6, District Jalandhar.

2. The FIR in the present case was registered on the basis of the statement made by Vijay Kumar Siyal son of Varinder Nath. As per the complainant, he was bringing his lease money of Rs.54,000/- from village Lasara, Tehsil Phillaur, District Jalandhar and when he reached near Innocent Heart School, three unknown persons came on a motorcycle, snatched his bag and also pushed him. Due to this, the complainant had also suffered injuries. 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 was neither named in the FIR nor there was any averment in the FIR, which

connected him with the commission of crime. Even he was granted the concession of anticipatory bail by this Court, however, he absented during trial and was declared proclaimed person on 31.08.2022. However, he was re-arrested on 27.07.2023 and is in custody since then. Learned counsel further submits that in fact, the petitioner could not appear before the trial Court due to some communication gap between him and his counsel and his bail was ordered to be cancelled. He next contends that even though one more FIR No.19 dated 18.02.2020, under Sections 324, 323, 427, 34, 326 of IPC has been registered against the present petitioner, however, the petitioner is on bail in the said case.

4. On the other hand, learned State counsel submits has vehemently opposed the prayer made by learned counsel for the petitioners on the ground that the petitioner was declared to be proclaimed person and was re-arrested on 27.07.2023. There are chances that the petitioner may again abscond from the process of law and does not deserve the concession of bail.

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

6. The petitioner was earlier granted the anticipatory bail by this Court and was appearing before the trial Court. However, later on, he was absent during proceedings and was declared to be proclaimed person. However, now the petitioner is in custody more than 04 months and no purpose would be served by keeping him behind bars. Since, the learned State counsel has raised an apprehension that the petitioner may abscond from the process of law, it would be appropriate to impose stringent conditions on the petitioner while granting him concession of bail.

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 sureties 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 and 3rd 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.*

30.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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