

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-55723-2022 (O&M)
Date of decision: 01.02.2023

SANJEEV CHOPRA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.156 dated 12.06.2020, under Sections 379-B, 451, 34 of IPC and Section 25 of Arms Act, registered at Police Station Division No.6, District Ludhiana.

Learned counsel contends that the petitioner is in custody since 15.07.2020 and he was not named in the FIR, however, on the basis of disclosure statement, he has been implicated in this case. He further submits that challan was presented in this case on 11.09.2020, however, charges have not been framed till date and in total there are 12 prosecution witnesses. The petitioner had already been granted bail in all the other cases registered against him except in FIR No.251 dated 14.07.2018. He had also been implicated in all the said cases, on the basis of disclosure statement.

Learned State counsel opposes the bail on the ground that the

petitioner is a habitual offender and recovery was effected from him. However, he is unable to controvert the submissions made by learned counsel for the petitioner.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 15.07.2020; his name has surfaced on the basis of disclosure statement; challan had already been presented; charges have not been framed till date; in all there are 12 prosecution witnesses; the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

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 him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. 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.
5. 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.
6. The petitioner shall not in any manner misuse his liberty.
7. 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.

8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

It is made 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.

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

(AMAN CHAUDHARY)
JUDGE

February 01, 2023
M.Kamra/S.Sharma(syr)

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