

2023:PHHC:142005

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

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**CRM M-54586 of 2023
Date of Decision: 07.11.2023**

Sushil Kumar

...Petitioner

Vs.

The State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Abhishek Khullar, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, 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 a regular bail in case FIR No.119 dated 06.12.2022 registered under Sections 379-B(2), 148 and 149 IPC and Section 25 of Arms Act (Sections 411 and 201 of IPC added later on) at Police Station Daba, Ludhiana, District Ludhiana.

2. The FIR in the present case was registered against the accused on the basis of statement made by Sandeep, who alleged that a lady Preeti had hired the cab of the complainant. On the way, she called her associates and they were armed with Kirpan, pistol and Gandasi and had beaten up the complainant and also snatched his purse containing Rs. 8500/-, other documents and the car.

3. Learned counsel for the petitioner contends that in the present case, co-accused Lovepreet Kaur @ Preeti and Sonu @ Sonu Gupta have already been granted the concession of bail by this Court vide order dated 28.08.2023 passed in CRM-M-17748-2023 and CRM-M-20045-2023 and co-accused Inderjit Singh @ Gandhi has also been granted the concession of bail by this Court vide order dated 16.10.2023 passed in CRM M-16613-2023. The petitioner was arrested in the present case on 02.03.2023 and is in custody since then.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

6. It is not in dispute that the petitioner is in custody since 02.03.2023. The conclusion of the trial may take quite a long time and further incarceration of the petitioner will not serve any meaningful purpose. Moreover, similarly placed co-accused, namely, Lovepreet Kaur @ Preeti and Sonu @ Sonu Gupta have already been granted the concession of regular bail by this Court vide order dated 28.08.2023 passed in CRM-M-17748-2023 and CRM-M-20045-2023 and co-accused Inderjit Singh @ Gandhi has also been granted the

concession of bail by this Court vide order dated 16.10.2023 passed in CRM M-16613-2023.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM 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 gets involved 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 an appropriate application for cancellation of bail granted to the present petitioner.

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

(viii) The petitioner shall report every first Monday in 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 first 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.

07.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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