

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

CRM-M-59604-2023

Date of Decision:20.12.2023

Kulwinder Singh @Rinku

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms.Rajwinder Kaur Sandhu, Advocate for
Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 70 dated 22.06.2023, registered under Sections 379-B, 34 of IPC, Police Station Gidderbaha, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner contends that even though the petitioner is named in the FIR, but the version of the prosecution is highly unbelievable. As per the case of the prosecution, the alleged occurrence had taken place on 18.06.2023, whereas the FIR was got registered by the complainant on 22.06.2023. Even as per the case of the complainant, he enquired the matter at his own level and came to know that the snatching had been committed by the Gurpreet Singh @ Goru and Kulwinder Singh @ Rinku, the present petitioner, which is highly unbelievable. She further contends that the petitioner was arrested in the present case on 22.06.2023 and is in custody since then. Learned counsel next contends that the final report under Section 173 Cr.P.C has already been presented against him and further custody of the

petitioner will not serve any meaningful purpose.

3. On the other hand learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is involved in two more cases of similar nature. He further contends that the petitioner may also again involve in similar cases, if he is ordered to be enlarged on bail.

4. I have heard the learned counsel for the parties and perused the case file.

5. The petitioner was arrested in the present case on 22.06.2023 and no prosecution witness has been examined so far. Thus, the trial Court may take considerable time in concluding the trial and further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

(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 bails bonds and surety bonds of the petitioner.*

(viii) *The petitioner shall report every 1st Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(N.S.SHEKHAWAT)
JUDGE

20.12.2023
hitesh

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