

CRM-M-61826-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision:-16.12.2023

Harbhajan Singh @ Soni

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Vishal Sharma Advocate with
Mr. S.S. Aviraj, Advocate and
Mr. Karanveer Singh, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed for grant of regular bail to the petitioner in case FIR No. 138 dated 23.10.2023 under Sections 307, 506, 148, 149 and 120-B of Indian Penal Code and Sections 25 (6), 25 (7) and 25 (8) of the Arms Act, 1959, registered at Police Station Nihal Singh Wala, District Moga.
2. As per the allegations in the FIR, it is admitted by the complainant that the complainant and the present petitioner were to contest elections for *Sarpanch* and it is alleged that the complainant was attacked at the behest of the petitioner.
3. Custody certificate of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.
4. Learned counsel for the State on instructions from ASI

Harvinder Singh could not demonstrate any connection with the person who

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had allegedly shot the fire on the complainant and the present petitioner, at this stage.

5. After hearing learned counsel for the parties and considering the fact that the petitioner was to contest the election of *Sarpanch* demonstrates that he had some standing in the village and he is not an unknown person and there is no risk of violation of the terms and conditions of bail by the petitioner, coupled with the fact that the petitioner is in custody for more than 01 month and the trial is likely to take long time, therefore, no useful purpose would be served by keeping the petitioner in custody.

6. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

7. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE