

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

CRM-M-571-2024

Date of Decision: 27.02.2024

Yadwinder Singh @ Akash

...Petitioner

vs.

State of Punjab

...Respondents

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

Present : Mr. Brijeshwar Singh Bhalla, Advocate
 for the petitioner.

Mr. Shiva Khurmi, AAG, 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 in case FIR No.103 dated 30.04.2023 registered under Sections 379-B, 34 of IPC (Sections 411, 201 of IPC added later on), at Police Station Maqboolpura, District Police Commissionerate, Amritsar.

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor had any concern with the allegations levelled by the complainant in the present case. He further contends that the petitioner was arrested in the present case on 09.06.2023 and is in custody for the last about 8 months. He further contends that the involvement of the petitioner has been shown in four other cases, however, he was involved in three cases on the same day. He further contends that similarly placed co-accused, namely, Akash

Tejpal has been granted the concession of regular bail by this Court vide order dated 15.02.2024 passed in CRM-M-6886-2024.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 04 other cases have been registered against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. In the present case, the petitioner is in custody for the last 08 months and the challan has already been presented against him. Thus, conclusion of the trial may take quite a long time. No doubt 04 more cases have been registered against the present petitioner, but the same does not serve as a ground to deny the concession of bail to the petitioner in the present case, especially when he has been able to make out a case for grant of bail in the present case. Thus, the petitioner can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another 2012(1) R.C.R. (Criminal) 586***.

6. Without commenting any further on the merits of the case and the law laid down by the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari's case (Supra)*** and ***Maulana Mohd. Amir Rashadi's case (Supra)***, 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.*
- (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 and 3rd 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 1st and 3rd 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.*

27.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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