

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

CRM-M-1698 of 2024

DATE OF DECISION :- 18.01.2024

Sooraj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Saurav Bhatia, Advocate for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 85 dated 21.11.2022, registered for the offences punishable under Sections 363, 366 of IPC at Police Station Aur, District Shaheed Bhagat Singh Nagar.

2. Counsel for the petitioner submits that the petitioner is in custody since 22.11.2022 and the material prosecution witnesses already stand examined. Learned counsel for the petitioner, while referring to the supplementary statement of the complainant-Joginder Singh made on 22.11.2022 as also the testimony of the prosecutrix recorded as PW1 on 09.05.2023, has alleged that there is no allegation of any forcible assault enumerated at the instance of prosecutrix. Thus, learned counsel for the petitioner has argued that the trial in question is not likely to culminate into conviction & hence regular bail be granted to the petitioner.

3. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail.

4. I have heard counsel for the petitioner as also learned State counsel and have gone through the available records of the case.

5. The accused was arrested on 22.11.2022 wherein after investigation was carried out and challan was presented on 21.2.2023. Out of total 14 prosecution witnesses, 12 witnesses including the material witnesses already stand examined. As per the custody certificate dated 16.01.2024 filed by the State counsel, the petitioner is stated to have undergone incarceration for about 1 year and 2 months. The rival contentions of the parties regarding merits of the case will be gone into during course of the trial. Therefore, in considered opinion of this Court, further detention of the petitioner as an under trial is not warranted.

6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.

- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

9. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

18.01.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No