

CRM-M-1930-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(227)

CRM-M-1930-2024

Date of Decision:- 02.05.2024

Jaspal Singh alias Jass

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Dinesh Trehan, Advocate for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.31 dated 09.05.2022, under Section 382 of IPC and (Sections 201, 392, 394, 398, 411 and 34 of IPC added later on), registered at Police Station City 2 Abohar, District Fazilka.
2. Learned counsel for the petitioner submits that the petitioner was entangled in the present FIR due to the high handedness of the officials as he had no role to play in the present FIR and was nominated after he was arrested in FIR No.225 dated 30.09.2022 for possession of 05gms of heroin. The charges have been framed and the petitioner prays for grant of bail as he is in custody since 10.10.2022 in the present FIR.
3. Learned State counsel has filed the custody certificate, which is taken on record and he has vehemently opposed the grant of concession to the petitioner as he submits that the vehicle used in the commission of offence was recovered from the petitioner and there are two more FIR against the petitioner to which the counsel for the petitioner has submitted that he has been granted the concession of regular bail in those cases also.

4. After hearing learned counsel for the parties and considering the fact that the petitioner is in custody since 10.10.2022, the charges have already been framed and the trial is likely to take long time, hence, no useful purpose would be served by keeping the petitioner in custody.

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

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. 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.
- iii. 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.
- iv. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also. However, in case, the petitioner does not possess a passport, then he shall file an undertaking to the said effect from being released.

6. 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.

8. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

9. However, it is made clear that this order shall not be construed as parity *qua* any other co-accused.

May 02, 2024

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**(ALOK JAIN)
JUDGE**

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No