

CRM-M-3122-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

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Date of Decision:-25.01.2024

Aniket

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Pankaj Kaushik, Advocate for the petitioner.
Mr. Hakam Singh, 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. 136 dated 25.10.2021 under Sections 452, 427, 323, 324, 302, 201, 148 and 149 of the Indian Penal Code, registered at Police Station Naya Gaon, Distt. SAS Nagar (Annexure P-1).
2. Learned counsel for the petitioner has submitted that the petitioner has been wrongly entangled in the present FIR and more so, the material witness i.e. the complainant has turned hostile. He also submits that ingredients of Section 302 IPC are not met out and the petitioner is in custody since, 03.11.2021.
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, according to which, the petitioner is in custody for more than 02

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4. Learned State counsel submits that out of 24 witnesses, 10 witnesses have been examined but could not deny the fact that there is no other case against the petitioner.

5. However, considering the fact the petitioner is in custody for the last 02 years 02 months and 15 days, coupled with the fact that the complainant has turned hostile and the fact that the trial is likely to take long time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to grant the concession of regular bail.

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. The petitioner 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. The petitioner 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. The petitioner 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.

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7. 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.

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

25.01.2024
Parul

(ALOK JAIN)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No