

2024:PHHC:090288



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CRM-M- 4271-2024 (O&M)

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

CRM-M- 4271-2024 (O&M)

Date of Decision: 18.07.2024

ROHIT SAMA ALIAS AMTI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Davinder Singh, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J (ORAL)

1. The present first petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 271 dated 21.10.2019 under Sections 399 and 402 IPC (Sections 420 and 473 IPC added later on) registered at Police Station Moti Nagar, District Ludhiana.

2. Learned counsel for the petitioner submits that petitioner is in

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custody since 15.09.2023. Learned counsel for the petitioner submits that earlier the petitioner was arrested on 20.10.2019 and thereafter released on regular bail vide order dated 14.12.2019 by the Sessions Court but during trial he could not appear on 18.05.2021 and was declared proclaimed offender vide order dated 24.01.2023. Later on the petitioner was arrested by the police on 15.09.2023 and since then he is in custody.

3. Custody certificate filed by the respondent-State is placed on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature. Ld. State counsel has fairly admitted that the petitioner is in custody since 15.09.2023.

4. Heard.

5. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

6. The petitioner shall also abide by the following conditions:-

1. *The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.*

2. *The petitioner shall not change his residence without prior intimation to the police and the trial Court.*

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3. *The petitioner shall appear before the Trial Court on each and every date of hearing.*

7. The Court accepting bonds would ensure that surety is financially sound having immovable property within jurisdiction of the District Ludhiana.

8. The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the conditions, then the concerned Court is competent to cancel the bail granted to the petitioner.

9. In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of his bail.

10. Nothing stated herein above be construed as a final expression of opinion on the merits of the case and the Trial Court would proceed independently of the observations above, which have only been made for the purpose of adjudication of the present petition for grant of regular bail.

18.07.2024

Seema

**(GURBIR SINGH)
JUDGE***Whether speaking/reasoned* *Yes/No**Whether reportable* *Yes/No*