

CRM-M-7894-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(228/1)

CRM-M-7894-2024 (O&M)
Date of Decision:- 06.05.2024

Baljinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Shivender Pal Singh, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No. 82 dated 22.10.2022, under Sections 458, 394 read with Section 34 of the Indian Penal Code, 1860, (Sections 397, 307, 324, 411, 120-B of IPC and Section 25 of the Arms Act, 1959 added later on) registered at Police Station Chamkaur Sahib, District Rupnagar (Annexure P-1).
2. Learned counsel for the petitioner has submitted that the FIR has been lodged against unknown persons and the petitioner has been falsely entangled in the present FIR. Learned counsel for the petitioner has further submitted that the petitioner is in custody for the last more than 01 year and 06 months.
3. Custody certificate of the petitioner has been filed by learned State counsel in Court today, which is taken on record, according to which

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the petitioner is in custody for the last 01 year, 06 months and 09 days (as on 03.05.2024).

4. *Per contra*, learned counsel for the State has submitted that the petitioner was nominated on the basis of disclosure statement of one Harmanjot Singh. He further submits that the petitioner was apprehended and a *desi katta* along with live cartridge and Rs. 26,000/- have been recovered from him. Learned State counsel on instructions from ASI Mohan Singh submits that the complainant has been examined and the trial is progressing in accordance with law.

5. At this stage, learned counsel for the petitioner has also volunteered that the petitioner is ready to deposit a sum of Rs. 50,000/- and shall not abstain himself from being present at the trial at any stage except for any cogent reason permissible under law.

6. In light of the above and considering the fact that the trial is progressing and the material witnesses have been examined and a positive undertaking given by the counsel for the petitioner that the petitioner shall not involve himself in any such activity, if granted the concession of bail, hence, the petitioner is entitled to the grant of the concession of regular bail.

7. Without commenting upon the merits of the case, the present petition is allowed and the petitioner shall deposit a sum of Rs. 50,000/- and is ordered to be released on bail on his furnishing bail bonds 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. 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.
- iii. 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.
 - iv. 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. However, in case the petitioner does not possess a passport, then he shall file an undertaking to the said effect before being released.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

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

10. In case, the petitioner absented himself from the trial without any cogent reason, the said amount shall be forfeited in favour of the State immediately.

11. It is further made clear that this order shall not be construed as parity *qua* any other co-accused.

12. Pending miscellaneous application(s) shall stand disposed of.

(ALOK JAIN)
JUDGE

May 06, 2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No