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

CRM-M-8024-2024

Date of Decision: 22.04.2024

Som Kumar

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Lakhwinder Singh Mann, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.221 dated 22.10.2023 registered under Section 379-B of IPC (Section 411 of IPC added later on) at Police Station Machhiwara, Police District Khanna, District Ludhiana.

2. The FIR in the present case was registered on the basis of the statement made by Manoj Sahni, who alleged that on 17.10.2023, he was standing ahead Gurdwara Sahib and in the meantime, two young persons came on a motorcycle and asked him as to where he was going. The complainant replied that he had to go to Bhattian Adda and they made him sit on their motorcycle. On the way, they had snatched his mobile phone and pushed the complainant. Due to this, the complainant had fallen down.

3. Learned counsel for the petitioner contends that the occurrence had taken place on 17.10.2023, whereas the FIR has been got registered by the complainant on 22.10.2023, after a long delay and the petitioner has been wrongly arrayed as an accused in the present case. He further contends that similarly placed co-accused, namely Kamaljit Singh has already been granted the concession of bail on 02.01.2024 by the trial Court, vide order Annexure P-2. He further contends that the petitioner was arrested in the present case on 22.10.2023 and is in custody for the last about 06 months. The police has presented the challan against the petitioner, but no prosecution witness has been examined so far. Thus, there are no chance of early conclusion of the trial before the trial Court and the custody of the petitioner will not serve any meaningful purpose. He next contends that one case under the provisions of NDPS Act was ordered to be registered against the present petitioner, but the petitioner has already undergone the sentence in the said case. Apart from that, one more case i.e. FIR No. 42 dated 09.03.2023 under Section 61 of Excise Act, at Police Station Machhiwara was also registered against the petitioner, but the petitioner is on bail in the said case.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 22.10.2023 and has undergone about 06 months of actual custody. The final report under

Section 173 Cr.P.C. has already been presented against the petitioner and the petitioner is no more required for the purpose of investigation. Apart from that, similarly placed co-accused, namely Kamaljit Singh has already been granted the concession of bail on 02.01.2024 by the trial Court, vide order Annexure P-2. Thus, no purpose will be served by keeping the petitioner behind bars.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

22.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No