

CRM-M-9946-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(241)

CRM-M-9946-2024
Date of Decision:- 12.03.2024

Sukhwinder Singh @ Sunny

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Deepak K. Bartia, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present 2nd petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No.42 dated 27.06.2023, under Sections 376 and 506 of the Indian Penal Code, registered at Police Station Tarsikka, District Amritsar Rural (Annexure P-1).
2. Learned counsel for the petitioner has fairly submitted that he had withdrawn his earlier bail petition on 19.12.2023 (Annexure P-8), however, subsequent thereto, the testimony of the material witnesses has been recorded in which the victim and the sister of victim have turned hostile. He further submits that the petitioner is in custody for the last more than 08 months.
3. Learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record, according to which the petitioner is in custody for the last 08 months and 07 days.

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4. In light of the above and considering the fact that the victim and the material witness have turned hostile and it was a positive case that the petitioner and victim were in a long drawn relationship, coupled with 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 the grant of the concession of regular bail.

5. Without commenting upon the merits of the case, the present petition is allowed and the petitioner 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.

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

6. 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

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appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail

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

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

(ALOK JAIN)
JUDGE

March 12, 2024
parul

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