

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10484-2024
Date of Decision:04.03.2024

Arunjeet Singh @ Mani ...Petitioner
vs.
State of Punjab ...Respondent

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

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

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 157 dated 21.07.2018, registered under Section 379-B of IPC, Police Station Chheharta, District Amritsar.
2. Learned counsel for the petitioner contends that the petitioner was granted the concession of bail by the Court of Sessions Judge, Amritsar on 01.02.2019 (Annexure P-2). He further contends that after the grant of bail, the petitioner was regularly appearing before the Trial Court. During trial, he could not appear before the Trial Court and his bail was ordered to be cancelled on 18.10.2021. He further submits that in fact on 18.10.2021, the petitioner was in custody in some other case and his non-appearance was un-intenional. Learned counsel further contends that the petitioner was arrested in the present case on 24.11.2022 and is in custody since then. He further submits that even though 07 more cases were ordered to be registered against the petitioner, however, the

petitioner is on bail in all other cases.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is a hard core criminal and is not entitled for concession of bail in the present case.

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

5. The petitioner is continuing in custody since 24.11.2022 and cannot be ordered to be incarcerated as an undertrial for an indefinite period. Even otherwise, the petitioner is on bail in all other cases. The final report under Section 173 Cr.P.C has already been presented before the Court and the petitioner is ready to face the prosecution.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved 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.*

(viii) *The petitioner shall report on every 1st and 3rd Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

04.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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