



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(292)

CRM-M-11208 of 2024
DATE OF DECISION: 21.08.2024

Balraj Singh @ BajaPetitioner

VERSUS

State of PunjabRespondent

CORAM HON’BLE MS.JUSTICE KIRTI SINGH

Present Ms. Simrat Kaur, Advocate,
for the petitioner.

Mr.Ravinder Singh, AAG, Punjab.

KIRTI SINGH, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.107 dated 23.12.2022, under Sections 379-B, 171, 149, 365 and 201 IPC, registered at Police Station Tarsikka, District Amritsar Rural.
2. The facts in brief are that on 22.12.2022, the complainant Meharban son of Kurban Khan was going from Jandiala Vegetable Market to Delhi on his canter. After reaching near little ahead of Tagra Bus stop, at about 8:00/8:30 PM, on being signaled by Police official, he stopped his Canter. Five persons alighted from two cars, who were in casual dress. The complainant could not note down the numbers of the cars. The accused had alighted him from the canter and said that his vehicle is overloaded and he will have to accompany them to Police Station. Then the accused made him to sit down in one of the Car, alongwith two other accused and the other persons took away his Canter. The unidentified persons then left him at an unknown location. On the next day, the complainant had lodged the FIR.



3. Counsel for the petitioner submits that petitioner has not been named in the FIR and has been nominated after a period of one year on the basis of a secret information. FIR had been lodged on 23.12.2022 at 07:30 pm, thus, there is a delay of 23 hours in lodging the FIR, which has not been convincingly explained. She further submits that no test identification parade was conducted and there is no incriminating material / recovery against the petitioner. It is also contended that the petitioner has clean antecedents and there is no other criminal case registered against him. Moreover, petitioner has undergone a period of seven months and twenty seven days.

4. *Per contra* learned State counsel has provided the custody certificate, which is taken on record. As per custody certificate, the petitioner has undergone a period of seven months and twenty seven days and there is no other case pending against him. Learned State counsel, on instructions, submits that charges were framed on 02.05.2023 and out of the total 18 witnesses, 2 have been examined and the next date fixed before the learned trial Court is 04.09.2024. However, he submits that in view of the serious allegations, the petitioner is not entitled to the concession of regular bail.

5. I have heard the rival contentions of the learned counsel for the parties and have gone through the case file carefully.

6. Admittedly, the petitioner has undergone seven months and twenty seven days and there is no other case pending against him. He has not been named in the FIR and was apprehended after a period of one year. The veracity of the allegations levelled against the petitioner shall be established during the course of trial. Out of total eighteen prosecution witnesses, two have been examined and the conclusion of the trial will take considerable time.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction



of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.*
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).*
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.*
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.*
- (v) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.*

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

21.08.2024
mamta

(KIRTI SINGH)
JUDGE

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