

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13407-2024
Date of Decision:20.03.2024

Sandeep Singh ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Krishan Singh Dadwal, Advocate
for the petitioner.

Mr. Deepinder Brar, Sr. 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. 65 dated 26.04.2020, registered under Sections 460,148,149 of IPC (Sections 302,411 and 34 of IPC added later on) Police Station Bullowal, District Hoshiarpur (Annexure P-1).
2. Learned counsel for the petitioner contends that Malkiat Singh, since deceased was killed by certain unknown persons on the night intervening 25/26.04.2020, who had entered his house with an intention to commit robbery. Learned counsel further contends that the petitioner was wrongly arrested in a case FIR No.106 dated 27.04.2020 under Sections 482,279,270 at Police Station Adampur, Jalandhar and after recording his statement in the said case, he was nominated as an accused in the present case. Learned counsel further contends that similarly placed co-accused Gurjinder Singh @ Gaggi has already been

granted the concession of bail by this Court vide order dated 18.01.2024 (Annexure P-3) and the case of the petitioner is at par with him. He next contends that the petitioner was arrested in the present case on 28.04.2020 and is in custody since then.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that one more case is also registered against him and he does not deserve the concession of bail.

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

5. The petitioner is in custody since 28.04.2020 and has undergone more than 03 years and 10 months of custody. Even the trial is progressing at snails pace and further custody of the petitioner will serve no meaningful purpose. Apart from that, similarly placed co-accused Gurjinder Singh @ Gaggi has already been granted the concession of bail by this Court vide order dated 18.01.2024 (Annexure P-3)

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 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.

20.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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