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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15296-2024

Date of Decision: 04.04.2024

Salman alias Mada

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Parijat Gaur, 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.0188 dated 19.06.2023 registered under Sections 379, 473 & 413 of IPC, at Police Station Dera Bassi, District SAS Nagar.
2. Learned counsel for the petitioner contends that the petitioner was not named initially and the petitioner has been involved in the present case at the instance of U.P. police by registering a false FIR No.96 dated 21.06.2023 under Sections 307, 465, 414, 34 of IPC at Police Station Chiklana and the petitioner has been granted the concession of bail in the said case. He further contends that the petitioner was arrested in the present case on 03.08.2023 and is in custody for the last 8 months. He next contends that similarly placed co-accused, namely, Asjad and Burhan have been granted the concession of bail

vide order Annexure P-2 passed by the Court of Additional Sessions Judge, SAS Nagar, Mohali.

3. 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 23 cases against the present petitioner and he is a habitual criminal.

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

5. No doubt, 23 more cases have been ordered to be registered against the present petitioner, however, he is on bail in most of the said cases. The petitioner was arrested in the present case on 03.08.2023 and is in custody for the last more than 08 months. Apart from that, similarly placed co-accused, namely, Asjad and Burhan have already been granted the concession of bail by the trial Court, vide order Annexure P-2.

6. 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.
- (viii) The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

04.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

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