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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14892-2024

Date of Decision: 03.04.2024

Sukhwinder Singh @ Sanju

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : None 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.100 dated 04.09.2023 registered under Sections 379-B and 34 of IPC, at Police Station Majitha Road, Amritsar.

2. It has been pleaded in the petition that the petitioner was not named in the FIR and has been arrested in the present case only on the basis of the disclosure statement suffered by co-accused Jaskarandeep Singh @ Joban. It is further pleaded that the petitioner is languishing in custody since 07.09.2023 and the final report under Section 173 Cr.P.C. has already been presented against him. Even the prosecution has relied upon 16 witnesses, but no witness has been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by the petitioner on the ground that the petitioner was actively involved in the commission of crime and three more FIRs under

Section 379(B) and 411 of IPC have been registered against the present petitioner.

4. I have heard the learned counsel for the State and perused the case file.

5. Even though, the petitioner is stated to be involved in three more cases, but the same cannot be a ground for rejection of the bail in the present case as the petitioner has already suffered incarceration for a period of about 07 months. Even the petitioner was not initially named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by his co-accused. The Hon'ble Supreme Court in the matter of “***Prabhakar Tewari Vs. State of U.P., and another***” 2020(1) R.C.R. (Criminal) 831 has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of “***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***” 2012(1) R.C.R. (Criminal) 586.

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.

03.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

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