

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17273-2024
Date of Decision:16.04.2024

Jobanjeet Singh ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the second petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 39 dated 04.08.2022, registered under Section 379-B/34 of IPC, Police Station Mattewal, District Amritsar (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor any incriminating evidence was collected against him, during the course of the investigation. He further contends that the petitioner was arrested in the present case on 02.09.2022 and is in custody for the last more than 01 year and 07 months. Even during the course of investigation, a sum of Rs.9000/- and a motorcycle have already been recovered from him. He further contends that in the present case, the prosecution has relied upon 17 witnesses, but no witness has been examined so far. While referring to the orders, Annexures P-3 and P-4, passed by this Court, learned counsel further contends that the co-accused Harman Singh and Ramandeep Singh have already

been granted the concession of bail by this Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that 03 more cases have been ordered to be registered against the present petitioner and he is a habitual offender.

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

5. In the present case, no doubt serious allegations have been levelled against the present petitioner, however, the prosecution is yet to adduce evidence with regard to the allegations, before the Trial Court. The petitioner is in custody since last more than 01 year and 07 months and the trial has not even commenced before the Trial Court. Thus, further custody of the petitioner will not serve any meaningful purpose.

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 to 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.

16.04.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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