

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15808-2024

Date of Decision: 05.04.2024

Ajay Kumar

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Sachin Gupta, 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.61 dated 04.11.2023 registered under Section 61 of Punjab Excise Act, at Police Station Dorangla, District Gurdaspur.

2. Learned counsel for the petitioner contends that the allegations have been primarily levelled against Vijay Kumar, co-accused and the petitioner has been nominated as an accused on the basis of the disclosure statement suffered by Vijay Kumar, co-accused. Learned counsel further contends that the petitioner is suffering from serious diseases particularly "fatty liver with coarsened/Heterogenous Hepatic Echotexture and Splenomegaly" and has placed reliance on the medical record (Annexure P-2), in this regard. Learned counsel further contends that the petitioner was arrested on 12.02.2024 and is in custody since then. As per learned counsel, 7 more other criminal cases were

ordered to be registered against the petitioner, but he has already been acquitted in 4 cases, out of total 7 cases. He further contends that the conclusion of the trial may take quite a long time.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, he admits that out of total 11 witnesses, no witness has been examined so far.

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

5 The petitioner was arrested in the present case on 12.02.2024 and the investigation is complete against him. Moreover, the registration of other cases has no ground to deny the concession of bail to the petitioner in the present case as he has been able to make out a case for grant of bail in the peculiar facts of the present case.

6. Consequently, 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.*

05.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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