

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17233-2024
Date of Decision:16.04.2024

Harmandeep Singh @ Harry ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Amit Arora, Advocate
 for the petitioner.

Mr. I.P.S Sabharwal, 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. 103 dated 30.04.2023, registered under Sections 379-B,34 of IPC(offence under Sections 411, 201 of IPC added later on), Police Station Maqboolpura, District Amritsar.
2. Learned counsel for the petitioner contends that in the present case the FIR was initially registered against unknown persons and even during the course of investigation, the police could not recover any incriminating evidence against the present petitioner. He further contends that the petitioner was arrested in the present case on 08.06.2023 and is in custody for the last more than 10 months. While relying upon the orders, Annexures P-1 and P-2 passed by this Court, learned counsel submits that similarly placed co-accused Akash Tejpal and Yadwinder Singh @ Akash have already been granted the concession of bail by this Court and the case of the petitioner is at par with them.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that six more criminal cases have been registered against the petitioner.

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

5. In the present case, the petitioner was arrested on 08.06.2023 and is in custody since then. Similarly placed co-accused Akash Tejpal and Yadwinder Singh @ Akash have already been granted the concession of bail by this Court. Even though six more cases have been registered against the petitioner, but in the facts and circumstances of the present case, the petitioner has been able to make out a case for grant of bail.

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

(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 and 3rd Monday of every 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