

230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18527-2024

Date of Decision: 23.04.2024

Rahul

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Ms. Apoorva Arya, Advocate for
Mr. Jagmohan Ghumman, 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.182 dated 05.10.2023 registered under Sections 307, 379-B(2), 34 of IPC and Section 25 of Arms Act (Sections 323, 324, 325, 201 of IPC added later on), at Police Station Dinanagar District Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR nor there was any averment in the FIR, which even remotely connects the petitioner with the alleged crime. She further contends that the petitioner was arrested in some other criminal case and during the course of investigation, his statement was recorded with regard to the involvement in the present case. She further contends that the petitioner was arrested in the present case on 13.10.2023. She further contends that out of total 26 prosecution witnesses, no witness has been examined so far and the trial is not likely to conclude against him in near future.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that very serious allegations have been levelled against the present petitioner and his co-accused. Learned State counsel further submits that 3 more cases including two cases under the provisions of NDPS Act have been ordered to be registered against the present petitioner. However, he concedes that the petitioner is on bail in all the remaining cases. He further submits that the petitioner may further involve in criminal activity and the present petition deserves to be dismissed by this Court.

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

5. In the present case, the petitioner was neither named in the FIR nor any specific injury was attributed to him in the present case. However, during the course of investigation of some other case, his involvement was mentioned in the present case also and he was taken into custody as well in the present case. In the present case, the trial has not formally started against the present petitioner and further continuation of the petitioner in custody will not serve any purpose. Still further, the apprehension expressed by learned State counsel can be addressed by imposing stringent conditions on the petitioner while granting him concession of bail in the present case.

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.

(N.S.SHEKHAWAT)
JUDGE

23.04.2024.
hemlata

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