

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18844-2024
Date of Decision:24.04.2024

Gurminder Singh @ Ginder ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Deepender Singh,Addl. A.G, 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. 83 dated 07.08.2023, registered under Sections 379B (2) of IPC, Police Station Kathu Nangal, District Amritsar Rural.
2. Learned counsel for the petitioner contends that the petitioner was arrested in some other case and the statement of the petitioner was recorded in police custody and later on, on the strength of the said statement, the petitioner was arrested in the present case also. He further contends that the petitioner was arrested in the present case on 16.09.2023 and the challan has already been presented against him. Learned counsel further contends that the recovery of pistol has already been effected from the petitioner and his further detention will not serve any meaningful purpose.
3. On the other hand, learned State counsel has vehemently opposed

the prayer made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner. Apart from that, the petitioner is also involved in three more similar cases and does not deserve the concession of bail.

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

5. It is not in dispute that the petitioner is involved in three more similar cases and was nominated as an accused on the strength of the disclosure statement suffered by him in some other case. He is in custody for the last more than 07 months and the conclusion of the trial may take quite a long time and the 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.

24.04.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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