

CRM-M-21089-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(224)

CRM-M-21089-2023
Date of Decision:- 01.02.2024

Balvir Singh @ Beera

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Umaid S. Mann, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition is for grant of regular bail to the petitioner in case FIR No.145 dated 10.11.2022, under Section 392 of the Indian Penal Code and Sections 25 and 27 of the Arms Act (Sections 307, 379-B, 411, 120-B IPC added later on) registered at Police Station Khamano, District Sri Fatehgarh Sahib (Annexure P-1).
2. As per the allegations in the FIR, the petitioner was instrumental in transportation of the main accused Jaspreet Singh @ Jassu and Amandeep Singh after they had committed the offence. It is a positive case of the petitioner that he had no role to play in the offence and he was called upon by his friend for dropping them at village Hafizabad and has been nominated in the case under Section 120-B of the Indian Penal Code. Learned counsel for the petitioner further submits that the petitioner is in custody since 15.11.2022.

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3. Learned State counsel has filed the custody certificate of the petitioner in Court today, which is taken on record, according to which the petitioner is in custody for the last 1 year, 02 months and 10 days.

4. Learned State counsel has submitted that the challan has been presented, however, no witness has been examined till date.

5. However, considering the fact that the petitioner is in custody for more than 01 year and the fact that the trial is likely to take long time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to grant the concession of regular bail.

7. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

8. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

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9. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

February 01, 2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No