



219 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-27113-2024

Date of Decision: 15.10.2024

Vijay Kumar @ Vijay Verma

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Pratham Sethi, Advocate
 for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, 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.217 dated 02.10.2020 registered under Section 306 of IPC, at Police Station City Kharar, District SAS Nagar, Mohali.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and no offence under Section 306 IPC is made out against him. He further contends that the petitioner had applied for concession of anticipatory bail and vide order dated 10.12.2020 (Annexure P-3), the petition filed by the petitioner was allowed by the Court of Additional Sessions Judge, SAS Nagar, Mohali. Thereafter, the final report under Section 173 Cr.P.C. was presented before the Court of SDJM, Kharar on 19.10.2021. During the course of trial, the petitioner absented and was declared as a proclaimed person on 16.12.2022 by the Court of SDJM, Kharar. One more



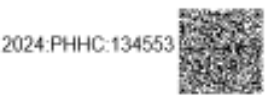
FIR No.143 dated 02.05.2023 under Section 174-A of IPC, Police Station City Kharar was ordered to be registered against the petitioner. He further contends that now the petitioner was again arrested on 10.04.2024 and is in custody since then. Apart from that, the prosecution has placed reliance on 31 witnesses, but no witness has been examined so far.

3. On the other hand, learned State counsel has submitted that the petitioner was initially granted the concession of anticipatory bail, but he did not appear before the trial Court for several years and was declared as proclaimed person. Ultimately, the petitioner was arrested on 10.04.2024 and may again abscond from the process of law. Thus, the petitioner does not deserve the concession of bail by this Court.

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

5. In the present case, the petitioner was admitted to anticipatory bail by the Court of Additional Sessions Judge, SAS Nagar, Mohali, but he did not appear during the course of trial and was declared as proclaimed person. Now the petitioner is in custody for the last more than 08 months and no prosecution witness has been examined so far. Apart from that, there is no other criminal case against the petitioner except FIR No.143 dated 02.05.2023 under Section 174-A of IPC, registered at Police Station City Kharar. Thus, 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 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.*

15.10.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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