

**CRM-M-29083-2024****224****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-29083-2024****Decided on : 02.07.2024**

Niksen @ Paras

... Petitioner

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent : Mr. P.K.S. Phoolka, Advocate
for the petitioner

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 045 dated 11.03.2020 registered under Sections 307, 341, 506, 323, 148, 149 IPC (Section 302 IPC added later on) at Police Station Civil Lines Bathinda, District Bathinda.

2. Learned counsel for the petitioner submits that as per the case of the prosecution, the FIR was registered on the statement of Baldev Singh with the allegations that on 10.03.2020 his sons were assaulted by the petitioner and other co-accused and subsequently scammed to the injuries. He further submits that the fatal injury is attributed to Sunny and even otherwise no specific role has been attributed to the petitioner and even as per the FIR it is only being stated that the several blows of dasti rods was given by co-accused Sunny on the front side of the hand and Rahul Attvadi and Niksen (Petitioner) and others grappled with his son

and brother of Sunny further attacked the deceased with dasti dandas and gave



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beatings to Bupinder Singh. He further submits that the charges were framed on 14.12.2020 and out of a total of 28 prosecution witnesses, none have been examined.

3. Learned State counsel on instruction submits that the challan was presented on 12.10.2020 and charges were framed on 14.12.2020 and out of a total of 28 prosecution witnesses, none have been examined. He further submits that there are six more cases registered against the petitioner.

4. As per custody certificate dated 01.07.2024, the petitioner has undergone an actual custody of 04 years, 03 months and 04 days.

5. Heard.

6. The veracity of the allegation levelled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner is in custody since March 2020. None of the prosecution witness have been examined despite charges having been framed on 14.12.2020 and further incarceration of the petitioner would not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.



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(v) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

02.07.2024

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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No