



THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-34269-2024
Date of Decision: 24.07.2024

Bhupinder Singh ...Petitioner
Vs.
State of Punjab ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Amit Arora, Advocate, for the petitioner.

Mr. M. S. Bajwa, 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 a regular bail in case FIR No.07 dated 28.01.2024 registered under Section 379-B(2) of IPC, 1860 (offences under Sections 201, 341, 323 and 324 IPC added later on) at Police Station Bhikhiwind, District Tarn Taran.
2. As per the case of the prosecution, at about 08:00 pm on 27.01.2024, the complainant Sukhpal Singh, who is employed as a Constable in Punjab Armed Police, was going to the market at Bhikhiwind on his motorcycle for purchasing some goods and on the way, four unknown persons with muffled faces stopped him near the sports stadium. All those persons were armed with a *datar*. The petitioner was caused injury with a *datar* on his head by the said persons and they had snatched the mobile phone and fled away on



their motorcycle. With these broad allegations the FIR was registered in the present case against unknown persons.

3. Learned counsel for the petitioner contends that in the present case, the FIR stands registered against some unknown persons and there was no evidence to connect the petitioner with the alleged crime. He further contends that during the course of investigation, the police had recorded supplementary statement of the complainant and the petitioner was arrayed as an accused in the present case. The petitioner was arrested in the present case on 29.01.2024 and he is in custody for the last about 05 months and 23 days. Since no witness has been examined so far, the custody of the present petitioner will not serve any meaningful purpose and the petitioner is entitled for grant of regular bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was convicted under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and was sentenced to undergo 10 years in case FIR No.50/2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985. However, he admits that the sentence in the present case has already been suspended by the Court.

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



6. The petitioner was not initially named in the present case and has been nominated as an accused on the basis of the supplementary statement made by the complainant on 29.01.2024. The final report under Section 173 Cr. P.C. has already been presented before the trial Court. The petitioner is not involved in any other similar FIR. Moreover, the charge is yet to be framed against the petitioner by the trial Court and the conclusion of the trial may not take place in near future.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM 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.*
- (vii) *The petitioner is directed to report to SHO, Police Station, Tarn Taran, on first and third Monday of English calender month and his presence shall be marked in the roznamcha of the said police station.*

8. 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.

24.07.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No