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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35930-2024
Decided on : 04.09.2024

Suhail Shah

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Abdul Aziz, Advocate
for the petitioner

Mr. Vinay Kumar, DAG Punjab

Mr. Rupender Singh Rana, Advocate
for the complainant

KIRTI SINGH, J. (Oral)

Mr. Rupender Singh Rana, Advocate puts in appearance on behalf of the complainant and files his Vakalatnama in Court today, which is taken on record. Registry is directed to tag it in the file at the appropriate place.

2. The jurisdiction of this Court under under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No. 10 dated 14.01.2024, under Sections 323, 341, 427, 506, 148 and 149 of the Indian Penal Code, 1860, (Sections 307 and 120-B of the Indian Penal Code added later on) registered at Police Station City-II Malerkotla, District Malerkotla.

3. Learned counsel for the petitioner has submitted that the parties have compromised the matter. It has further been contended that the only injury

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attributed to the petitioner is that he gave an iron rod blow on the back side of the complainant for which there is no cogent proof and the accused Butewala who gave a blow with a base ball bat on the head of the complainant had been granted anticipatory bail by Additional Sessions Judge, Sangrur. The petitioner is in custody since 10.02.2024 and there is no likelihood of the trial concluding anytime soon, inasmuch as out of total 23 prosecution witnesses, none has been examined till date. He also submits that co-accused have been granted regular bail by this Court vide order dated 06.05.2024 passed in CRM-M-13509-2024 and vide order dated 29.07.2024 passed in CRM-M-27019-2024.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He has filed custody certificate dated 03.09.2024 in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 05 months and 13 days and there is one more case under the NDPS Act is pending against him. He on instructions from the concerned investigation officer submits that charges were framed on 01.07.2024 and out of a total of 23 prosecution witnesses, none has been examined till date. He further submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed and out of 23 witnesses, none has been examined till date. A compromise has also been effected between the parties and similarly situated co-accused(s) have also been granted concession of regular bail vide order dated 06.05.2024 passed in

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2024. The petitioner has undergone actual custody of 05 months and 13 days and he is not involved in any other criminal case. The trial of the case will take a considerable time and no useful purpose will be served by detaining the accused in custody.

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.
- (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



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purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

September 04, 2024
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No