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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40210-2023
Date of decision : 29.02.2024

SHUBHAM BHANDARIPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ankit Chauhan, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.18 dated 13.04.2022 registered for the offences punishable under Sections 25(8), 54, 59-A of Arms Act, 1959 at Police Station Kahnuwan, District Gurdaspur, Punjab.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Counsel for the petitioner submits that the petitioner is in custody for more than 1 year, 10 months and 18 days. He has been falsely implicated as no independent witness was joined while effecting the recovery of arms from the petitioner. He further submits that the investigation stands concluded and challan stands presented. Even the supplementary challan under Section 173(8) Cr.P.C. also stands presented.

Most of the witnesses are official and thus there can't be any apprehension that the petitioner shall tamper with the evidence. Further contends that co-accused namely Gurpreet Singh also stands admitted to bail on 2nd of March, 2023 in CRM-M-49977-2022.

4. Affidavit of Rajbir Singh, PPS, DSP, Rural, District Gurdaspur has been filed on behalf of the respondent/State today in Court, which is taken on record. As per the same, it is admitted fact that the investigation stands concluded.

5. As per the custody certificate, the petitioner is facing three more FIRs against him including two under the NDPS Act. In one of those three cases, he already stands admitted to bail.

6. State Counsel however opposes the bail plea on the ground that the allegations against the petitioner are serious as 3 pistols have been recovered from him. However, he does not dispute that the investigation stands concluded.

7. I have heard counsel for the parties and have gone through records of the case.

8. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented and the co-accused also stands admitted to bail, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate

concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior

intimation to the learned Trial Court, stating the reason for the same.

8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

9. It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 29, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No