

**CRM-M-42687-2024**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-42687-2024****Decided on : 05.09.2024**

Harmanjot Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present : Ms. Manpreet Kaur, Advocate for  
Mr. Davinder Singh Saini, Advocate  
for the petitioner

Mr. R.S. Thind, DAG, Punjab.

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**KIRTI SINGH, J. (Oral)**

1. The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 82 dated 22.10.2022, under Sections 458, 394 and 34 of the Indian Penal Code, 1860 (Sections 397, 307, 324, 411, 120-B of IPC and Section 25 of the Arms Act, 1959 added later on) registered at Police Station Chamkaur Sahib, District Rupnagar.

2. Learned counsel for the petitioner *inter alia* submits that the present FIR has been lodged against unknown persons and the petitioner has been falsely entangled. He further submits that the petitioner is in custody for the last 01 year, 10 months and 08 days and there is one more case registered against him, in which he has been acquitted. She also submits that co-accused have been granted regular bail by this Court vide orders dated 06.05.2024 passed in CRM-M-20042-2023 and



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CRM-M-7894-2024 and vide order dated 03.07.2024 passed in CRM-M-28236-2024.

3. Custody certificate of the petitioner has been filed by learned State counsel in Court today, which is taken on record, according to which the petitioner is in custody for the last 01 year, 10 months and 08 days (as on 04.09.2024).

4. At this stage, learned counsel for the petitioner has also volunteered that the petitioner is ready to deposit a sum of Rs. 50,000/- and shall not abstain himself from being present at the trial at any stage except for any cogent reason permissible under law.

5. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 01 year, 10 months and 08 days. He further submits that the charges in the present case were framed on 12.07.2023 and out of 15 prosecution witnesses, none has been examined. He, however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

6. Heard.

7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. The petitioner has undergone an actual custody of 01 year, 10 months and 08 days and there is one more case pending against him, in which he has been acquitted. Out of 15 prosecution witnesses, none has been examined till date. The trial of the case will take considerable time and no useful purpose will be served by detaining the accused in custody. The co-accused have been already been granted regular bail by this Court vide orders dated 06.05.2024 passed in CRM-M-20042-2023 and CRM-M-7894-2024 and



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vide order dated 03.07.2024 passed in CRM-M-28236-2024.

8. Without commenting upon the merits of the case, the present petition is allowed and the petitioner shall deposit a sum of Rs. 50,000/- with the trial Court and the same would be liable to be forfeited as per law in case of absence of the petitioner from trial without sufficient cause. 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 she is accused of, or for commission of which she 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. 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.

10. 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.

**05.09.2024**

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**(KIRTI SINGH)**  
**JUDGE**

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