

CRM-M-44185-2024
Date of Decision: 12.09.2024

...Petitioners

VS.

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

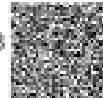
Present : Mr. Harjot Singh Bedi, Advocate
for the petitioners.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.60 dated 22.07.2024 registered under Sections 303(2), 61(2) of BNS at Police Station Nurmahal, District Jalandhar.

2. Learned counsel for the petitioners contends that the allegations levelled by the complainant in the present FIR are self-contradictory and highly unbelievable. On the one hand, the complainant states that his mobile phone has been stolen by some unknown persons, whereas on the other hand, the petitioners have been named as an accused in the present case by mentioning their complete address and parentage. He further contends that the petitioners were never involved in any other crime and have been named by the complainant only on the basis of the suspicion. As per learned counsel, the petitioners were arrested on 22.07.2024 and the investigation against them is



almost complete and the challan is likely to be presented before the Court. Thus, further custody of the petitioners will not serve any meaningful purpose.

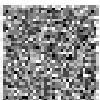
3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. In the present case, the petitioners were arrested on 22.07.2024 and even the recoveries have been effected from them. Moreover, the petitioners are not in a position to tamper with the prosecution evidence.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

- (i) The petitioners 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 them to disclose such facts to the Court or to any other authority.
- (ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.



- (v) The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioners involve 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 petitioners.

12.09.2024.
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No