

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 29.10.2024

...Respondent

N.S.Shekhawat J. (Oral)

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor had any concern with the alleged crime. He further contends that even the FIR was registered by the police after 9 days of the alleged incident, on the basis of the second statement made by the complainant. Even during the course of investigation, the police could not collect any admissible evidence against the petitioner and the petitioner was not present even at the place of occurrence. As per learned counsel, the case is based on circumstantial evidence and the chain of circumstances, as suggested by the prosecution, clearly exonerated the petitioner. The petitioner was arrested in the



present case on 13.07.2024 and after completion of the investigation, the final report under Section 173 Cr.P.C. has already been presented against the petitioner. He further contends that even though, two more FIRs i.e. FIR No. 197, dated 07.10.2022, under Section 379-B(2) of IPC, Police Station Sadar, Tarn Taran and FIR No. 218 dated 14.11.2022, under Sections 399, 402, 307, 379, 411, 186, 353 of IPC and Section 25 of Arms Act, Police Station Sadar, Tarn Taran have already been registered against the petitioner, but he is on bail in the said cases.

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 petitioner was arrested on 13.07.2024 and is in custody for the last more than four months. Even the final report under Section 173 Cr.P.C. has already been presented against the petitioner and the conclusion of the trial may take quite a long time. Still further, the injured in the present case has already been discharged from the hospital and is hale and hearty.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his 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 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.*

29.10.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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