



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48445-2024
Date of Decision:02.12.2024

Atinderpal Singh ...Petitioner

VS.

State of Punjab ...Respondent

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

Present : Mr. Navraj Singh, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the B.N.S.S with a prayer to grant regular bail to him in case FIR No.12 dated 13.02.2024 registered under Sections 379-B, 323, 341, 506, 34 of IPC (later on offence under Section 34 of IPC was deleted and an offence under Section 148, 149, 411, 201 of IPC were enhanced), at Police Station Bhadaur, District Barnala.
2. The FIR in the present case was registered on the basis of the statement made by Gurwinder Singh son of Sukhwinder Singh, resident of Mauran Patti, Nainewala. As per the complainant, at about 6.30 p.m. on 12.02.2024 he was going home on his motorcycle. When he reached Barnala, Bajakhana Road, a motorcycle came from behind and waylaid him. Four persons, who were riding a motorcycle, came to the complainant and one accused inflicted a blow with an iron pipe on his left arm. They also snatched a

mobile phone and Rs.1,000/- from the complainant. They also took away a kit of blue colour, containing his lunch box. The complainant informed his family members and the FIR was initially registered against four unknown persons.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor there is any averment which connects the petitioner with the alleged crime. He further contends that the similarly placed co-accused Jagraj Singh has already been granted the concession of bail by this Court vide order dated 16.07.2024 (Annexure P-2).

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that four other cases of similar nature has already been registered against the petitioner.

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

6. No doubt, the allegations levelled against the petitioner are serious in nature, but the petitioner is in custody for the last more than nine months. Even no witness has been examined so far. Further, similarly placed co-accused has already been admitted to bail by this Court.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate 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 is involved 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.*

(viii) *The petitioner shall report on every 1st Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.*

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(N.S.SHEKHAWAT)
JUDGE

02.12.2024
hitesh

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