

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51781-2023

Date of Decision: 15.02.2024

Yuvraj Thakur alias Mannu

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Rahul Bhargava, Advocate and
Mr. Tanveer Singh, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.87 dated 21.06.2023 registered under Sections 307, 353, 186 of IPC and Sections 25, 54, 59 of Arms Act, at Police Station Division No.7, District Jalandhar.

2. Learned counsel for the petitioner contends that the allegations levelled by the complainant in the present FIR are highly improbable and unbelievable. He further contends that in fact, the petitioner was involved in case FIR No.69 dated 12.05.2023 registered under Sections 323, 324, 307, 148, 149, 160, 506 of IPC and Sections 25 & 27 of Arms Act, at Police Station Division No.7, District Jalandhar and while apprehending the petitioner, the police officials fired shot at the petitioner and the petitioner was seriously injured in the said incident. However, to cover up the said unlawful incident, the present FIR was ordered to be registered against the present petitioner.

Learned counsel further contends that the petitioner was arrested in the present case on 21.06.2023 and is in custody for the last about 8 months. He further contends that even though, 06 other cases were registered against the petitioner, however, in most of the cases, the petitioner is on bail. He further contends that challan in the present case was presented on 20.09.2023 and the trial Court may take considerable time to conclude the trial proceedings.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 06 more cases have been registered against the present petitioner and one country made pistol and cartridge were recovered from him.

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

5. It is not in dispute that in the present case, even though, it has been alleged that the petitioner had fired at the police party, but no policeman was injured in the incident rather, it has been found that it was the petitioner, who had suffered the fire armed injuries, during the proceedings for apprehending him in an earlier case. Apart from that, the petitioner is in custody for the last about 8 months and his further custody will not serve any meaningful purpose.

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.

15.02.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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