



208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50266-2024(O&M)
Date of Decision: 18.10.2024

Dushaar ...Petitioner
vs.
State of Punjab ...Respondent

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

Present : Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, with a prayer to grant regular bail in case FIR No.17 dated 19.01.2024 registered under Sections 392, 34, 411 of IPC and Sections 25, 54, 59 of Arms Act, at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.
2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR nor there is any averment in the FIR, which connects the petitioner with the commission of crime. During the course of investigation, the disclosure statement of Vishal, co-accused was recorded by the police and on the basis of the said statement, the petitioner has been falsely involved in the present case. He further contends that in the present case, after arrest of the petitioner, no test identification parade was held, which could establish the identity of the petitioner as an accused in any manner. Thus, at this stage, there was no incriminating evidence against the petitioner and he was wrongly



ordered to be arrested on 19.01.2024. Learned counsel further contends that the petitioner is in custody since 19.01.2024 and challan has already been presented. Even only 02 witnesses, out of total 20 witnesses, have been examined by the prosecution so far. He further contends that one more FIR under Section 379-B of IPC was ordered to be registered against the petitioner, but he is on bail in the said case.

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. He further submits that one more FIR has been registered against the petitioner.

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

5. The petitioner was not initially named in the present case and was later on arrayed as an accused on the strength of the disclosure statement suffered by Vishal, co-accused. The petitioner is in custody since 19.01.2024 and the trial is not likely to conclude in near future. Further, one more case has been registered against the petitioner, but he is on bail in the said case.

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.*

7. Pending application stands also disposed of.

18.10.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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