

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52608-2023

Date of Decision:05.02.2024

Vicky @ Anna

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. Rhythem Bajaj, 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 to him in case FIR No.162 dated 03.08.2021 registered under Sections 379-B, 34 of IPC (Section 411 of IPC added later on), at Police Station City 1, Abohar, District Fazilka.

2. Learned counsel for the petitioner contends that the alleged occurrence had taken place at about 12.05 am in the night intervening 2/3.08.2021 and the FIR has been got registered by the complainant at about 9.00 am on the same day by naming the petitioner as one of the accused. Learned counsel further submits that the complainant had specifically named the petitioner as one of the snatcher in the present case and the version of the complainant is highly unbelievable. The petitioner was arrested 04.07.2023 and the final report under Section 173 Cr.P.C. has already been presented before the competent Court and the custody of the petitioner will not serve any meaningful

purpose. Learned counsel further submits that his co-accused, namely, Sanam Kumar @ Golu has already been granted the concession of regular bail by the Court of Sessions Judge, Fazilka on 14.08.2023 (Annexure P-2).

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 09 more cases have been registered against the present petitioner and the petitioner does not deserve the concession of bail by this Court.

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

5. The petitioner was arrested in the present case 04.07.2023. The final report under Section 173 Cr.P.C. has already been presented before the competent Court and the charge has been framed against the present petitioner. Thus, the trial Court may take considerable time in concluding the trial and further custody of the petitioner 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 and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (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 bail bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st and 3rd Monday of English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

05.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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