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

CRM-M-49821-2024**Date of Decision: 16.10.2024**

Shubham Kumar alias Diggi

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Vishal Sharda, Advocate and
Mr. Anupam Mathur, 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 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.35 dated 17.03.2020 registered under Sections 380, 454, 411 of IPC, at Police Station Division No.4, District Patiala.

2. Learned counsel for the petitioner contends that the petitioner was earlier arrested in the present case, however, he was granted the concession of regular bail by the Court of Judicial Magistrate 1st Class, Patiala on 05.04.2020, vide order Annexure P-3. After the grant of regular bail, the petitioner was regularly appearing before the trial Court, however, due to outbreak of Pandemic of Covid-19, the petitioner could not appear before the trial Court and ultimately, vide order dated 07.07.2022, he was declared as proclaimed offender in the present case. Again the petitioner was arrested on 28.02.2024



and is in custody for the last about 08 months. Learned counsel further contends that he shall appear before the trial Court on each and every date of hearing and shall not remain absent without prior permission of the trial Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that two more cases i.e. FIR No. 135 dated 23.12.2022 under Sections 22, 61, 85 of NDPS Act, Police Station Urban Estate and FIR No. 389 dated 25.11.2023 under Section 52-A Prisons Act, Police Station Tripuri have also been registered against the present petitioner. However, in FIR No.135 of 2022, the petitioner is on bail, whereas in FIR No. 389 of 2023, the petitioner had already undergone the sentence.

4. I have heard the rival submissions made by learned counsel for the parties and perused the record.

5. In the present case, the petitioner was granted the concession of regular bail by the Court of Judicial Magistrate 1st Class, Patiala on 05.04.2020, however, he was declared proclaimed offender on 07.07.2022. Thereafter, he has been again arrested on 28.02.2024 and is in custody for the last about 08 months. Thus, no purpose will be served by keeping him behind bars.

7. 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.

16.10.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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