

CRM-M-53550-2023
CRM-M-64601-2023

2024:PHHC:035220
2024:PHHC:035222

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

233 (2 cases)

Date of Decision:- 12.03.2024

(1) CRM-M-53550-2023

Rohit Kumar @ Kaka

.....Petitioner

Versus

State of Punjab

.....Respondent

(2) CRM-M-64601-2023

Dalip Sethi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Munish Puri, Advocate
for the petitioner in CRM-M-53550-2023.

Mr. Sachin Ohri, Advocate
for the petitioner in CRM-M-64601-2023.

Mr. Randhir Singh Thind, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition(s) have been filed *inter alia* praying for grant of regular bail to the petitioner(s) in case FIR No.122 dated 03.09.2023, under Sections 365 and 120-B of the Indian Penal Code, registered at Police Station Division No. 2, District Pathankot.

2. Status report by way of an affidavit of Mr. Sumeer Singh, PPS, Deputy Superintendent of Police, Sub-Division City, District Pathankot has

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been filed by learned State counsel on behalf of respondent-State in CRM-M-53550-2023, which is taken on record, subject to all just exceptions. Copy thereof has been supplied to the counsel opposite.

3. Learned counsel for the petitioner(s) have reasserted their arguments as recorded in the order dated 16.02.2024 by submitting that even as per the status report filed by the learned State counsel, except for the specific allegations levelled by the complainant, there is nothing coming forth with regard to any connection between both the petitioner(s).

4. Learned counsel for the petitioner(s) have also further taken this Court through the testimony of the complainant, in which she is allegedly trying to improve her version and submits that now an application under Section 319 Cr.P.C. has been filed only to procrastinate the trial.

5. Custody certificates of the petitioner(s) have been filed by learned State counsel in Court today, which are taken on record and according to which the petitioner in CRM-M-53550-2023 is in custody for the last 06 months and 05 days and the petitioner in CRM-M-64601-2023 is in custody for the last 06 months and 08 days.

6. Heard learned counsel for the parties at length and considering the fact that the trial has already begun and the examination-in-chief of the complainant has also taken place, coupled with the fact that the trial is likely to take a long time, therefore, no useful purpose would be served by keeping the petitioner(s) in custody, hence, the petitioner(s) are entitled to the grant of the concession of regular bail.

7. Without commenting upon the merits of the case, the present petition(s) are allowed and the petitioner(s) are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of the trial

by the Duty Magistrate, concerned. They shall, however, be released on the

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following conditions:

- i. The petitioner(s) shall declare their ordinary place of residence and the mobile number used by them.
- ii. The petitioner(s) will not switch off their mobile and in case of any technical glitch, they have to give an alternate number, which will be available in their absence.
- iii. The petitioner(s) will mark their presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark their presence, they are permitted to make an application before the Illaqa Magistrate, concerned.
- iv. The petitioner(s) will not leave the country without the prior permission of the Court, for which they will submit the copy of their passport also.

The petitioner(s) shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

8. It is made clear that, in case, the petitioner(s) are found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of their bail detailing out the circumstances and violation of conditions of bail.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case(s).

10. It is further made clear that this order shall not be construed as parity *qua* any other co-accused.

11. A photocopy of this order be placed on the file of another connected case.

(ALOK JAIN)
JUDGE

March 12, 2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No