

CRM-M-57433-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215-3

CRM-M-57433-2022
Date of Decision:-12.01.2024

Ajay

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Angel Walia, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed for grant of regular bail to the petitioner in case FIR No. 132 dated 07.08.2022 under Sections 379-B (2), 511 read with Section 34 of the Indian Penal Code (Sections 323 and 324 IPC added later on vide order dated 02.06.2023), registered at Police Station Majitha, Amritsar Rural, Amritsar (Annexure P-1).
2. Learned counsel for the petitioner submits that the entire story in the FIR is false and concocted and has relied upon the testimony of the complainant, according to which the complainant has turned hostile.
3. Custody certificate of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions, according to which, the petitioner is in custody for last 01 year 04 months and 18 days as on 11.01.2024.

4. Considering the fact that the material witnesses have already been examined and the petitioner is in custody for more than 01 year and 04

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months, and the fact that the trial is likely to take long time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to grant the concession of regular bail.

5. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- 1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- 2. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- 3. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- 4. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

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

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

7. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

12.01.2024
Parul