

CRM-M-62354-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213)

CRM-M-62354-2023
Date of Decision:- 01.04.2024

Pankaj @ Panku

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Vivek Thakur, Advocate
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No. 08 dated 03.02.2023, under Sections 379-B, 511, 324 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Sadar Phagwara, District Kapurthala (Annexure P-1).
2. Custody certificate as well as status report by way of an affidavit of Mr. Jaspreet Singh, PPS, Deputy Superintendent of Police, Sub-Division Phagwara, Kapurthala have been filed by learned State counsel in Court today, which are taken on record, subject to all just exceptions. Copies thereof have been supplied to the learned counsel for the petitioner.
3. Learned counsel for the petitioner submits that the petitioner is in custody for the last more than 01 year and more so, he was never named in the present FIR and has been nominated later on. He further submits that there is a delay of 02 days in lodging the present FIR.

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4. Learned State counsel has vehemently opposed the grant of regular bail to the petitioner on the ground that the petitioner had inflicted injuries on the forehead of the complainant, however, could not deny the fact that the said injuries are simple in nature.

5. In light of the above and considering the fact that the petitioner is in custody for the last 01 year, 01 month and 13 days and the fact that the trial is likely to take a long time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to the grant of the concession of regular bail.

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

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. 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.
- iii. 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.
- iv. 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.

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

7. 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

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

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

(ALOK JAIN)
JUDGE

April 01, 2024
parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No