

2024:PHHC:006723
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

251

CRM-M-1469-2024
Date of Decision: 18.01.2024

Jatin Bains @ Nanna

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : None for the petitioner.

Mr. Mohit Chaudhary, AAG, 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 a regular bail in case FIR No.137 dated 14.09.2022 registered under Sections 399 and 402 IPC (Section 25(7) of Arms Act added later on) at Police Station Division No.3, District Ludhiana (Annexure P-1).

2. It has been pleaded in the petition that the petitioner was arrested in the present case on 14.09.2022. As per the petitioner, no offence under Sections 399 and 402 IPC is made out against the petitioner and other co-accused from the facts and circumstances of the present case. Apart from that, the petitioner is in custody since 14.09.2022 i.e. about 01 year and 04 months. After completion of the investigation, the final report under Section 173 Cr.P.,C. has already been presented before the Competent Court. Thus, no useful purpose will be served by keeping the petitioner behind the bars.

3. On the other hand, Mr. Mohit Chaudhary, AAG, Punjab has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that several other cases are also pending against the present petitioner and he does not deserve the concession of regular bail.

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

5. No doubt the registration of other criminal cases is one of the considerations, which must be kept in mind by the Court while enlarging an accused on bail. However, the same cannot be serve as a sole criteria to reject the bail application of an accused, especially when a case is made out for grant of concession of bail to him in the peculiar facts of the case.

6. The gravity of the offence, actual custody undergone and chances of fleeing from the process of law are the other relevant considerations, which the Court should bear in mind, while granting the concession of bail. In the present case, no doubt the petitioner is involved in other 07 criminal cases, but in view of the fact that the petitioner had undergone about 01 year and 04 months of custody, he is entitled to be enlarged on bail.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

satisfaction of the learned trial Court/Duty Magistrate/CJM 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 gets involved 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 an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday in 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 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.

18.01.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

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