

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

272

CRM-M-396-2024
Date of Decision: 15.01.2024

Balkaran Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Amarjit Singh Ahluwalia, Advocate for the petitioner.
Mr. Kamalpreet Bawa, AAG, Punjab assisted by
ASI Gurtej Singh.

ALOK JAIN, J. (Oral)

1. The present petition is for grant of regular bail to the petitioner in case FIR No. 125 dated 18.07.2021 under Sections 302, 324, 323, 148 and 149 IPC, registered at Police Station Sangat, District Bathinda.
2. Learned counsel for the petitioner submits that the petitioner has been entangled in the present FIR without any basis and on account of being part of the unlawful assembly. Petitioner was named in the FIR but no specific injury was attributed to him. He further submits that the only allegation against the petitioner was that the petitioner gave stick blows however relies upon the MLR to demonstrate that there is no such injury on the body of the deceased. It is also submitted that all the material witnesses have been examined and more so, the other injured victims have deposed against the prosecution.

Learned State counsel has filed the custody certificate, which is

taken on record. As per the custody certificate, the petitioner is in custody for the last 02 years, 05 months and 15 days.

4. Learned State counsel has further submitted that 4 out of 20 material witnesses have been examined, which demonstrates that the trial is likely to take some time and, thus, no useful purpose would be served by keeping the petitioner in custody.

5. Heard the learned counsel for the parties.

6. In view of the above, without commenting upon the merits and considering the long incarceration of the petitioner and stage of the trial, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. He shall, however, be released on the following conditions:

- ◆ The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ◆ He 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.
- ◆ He 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.
- ◆ He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

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

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

9. 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 the condition(s) of bail.

15.01.2024

Rajeev (rvs)

(ALOK JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No