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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-61653-2024**Date of Decision: 12.12.2024**

Kamaldeep Singh @ Kamaldeep Pandey
@ Ganja

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Dhiraj Jindal, Advocate, for the petitioner.
Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the fifth petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.293 dated 12.11.2017 registered under Sections 457, 380 of IPC (Sections 411 and 201 of IPC added later on), at Police Station City Rajpura, District Patiala.

2. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and was involved by the police, without any incriminating evidence. The petitioner was arrested on 27.07.2019 and was later on granted the concession of bail by the Court of Judicial Magistrate 1st Class, Rajpura vide order dated 17.08.2019 (Annexure P-2). Learned counsel further contends that after completion of investigation, the final report under Section 173 Cr.P.C. has been presented against him on 14.10.2020 and the case was listed for prosecution evidence. The petitioner was regularly appearing before the trial Court. However, due to Covid 19 pandemic, he stopped to appear before the Court and was declared as proclaimed offender.

The petitioner was again arrested on 05.08.2024 and is in custody since then. Learned counsel further contends that only 06 witnesses, out of total 16 witnesses, have been examined so far and the conclusion of the trial may take quite a long time.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner has violated the conditions of bail and had absconded during the trial. However, the petitioner does not deserve the concession of bail by this Court.

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

5. In the present case, the petitioner was earlier granted the concession of bail by the Court of Judicial Magistrate 1st Class, Rajpura, vide order dated 17.08.2019 (Annexure P-2). However, later on, he absconded and was again arrested on 05.08.2024. Now the petitioner is in custody for the last 05 months and the trial is not likely to conclude in near future.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, 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 involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

12.12.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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