



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

CRM-M-9548-2025

Date of Decision:29.04.2025

Karan Singh alias Karni

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Rahul Garg, Advocate
 for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.0036 dated 27.01.2020 registered under Sections 379-B of IPC (Section 201 IPC added later on), at Police Station City Barnala, District Barnala.

2. Learned counsel for the petitioner contends that the FIR in the present case was registered on the basis of the statement made by Sukhpal Sharma and was registered against unknown persons. He further contends that no physical description of any of the accused was mentioned in the FIR and the petitioner was arrested only on the basis of suspicion, without holding any test identification parade in the present case. He further contends that initially, the petitioner was arrested by the police on 26.05.2021, vide order dated 20.07.2021 (Annexure P-2) and he was granted the concession of regular bail by the Court of Sessions Judge, Barnala. Later on, he was regularly appearing

before the trial Court. However, due to some misunderstanding, he stopped to appear and was declared as proclaimed offender by the trial Court on 12.09.2024. Later on, he again surrendered on 21.09.2024 and is in custody since then. Learned counsel next contends that even though, the petitioner has suffered the custody for a period of 09 months, but even charge has not been framed against him. The trial Court has not even formally begun against him.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there are 07 more criminal cases registered against the petitioner. He further submits that the petitioner is a habitual offender and is not entitled to be released on bail by this Court.

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

5. No doubt, seven more criminal cases have been registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on that ground because the petitioner has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "*Prabhakar Tewari Vs. State of U.P., and another*" 2020(1) R.C.R. (Criminal) 831, wherein it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "*Maulana Mohd. Amir Rashadi Vs. State of U.P., and another*" 2012(1) R.C.R. (Criminal) 586. Admittedly, the petitioner was on bail in the present case, but he stopped appearing before the trial Court and was

declared as proclaimed offender. But now again, petitioner is in custody for the last 09 months. Moreover, there is no material on record to show that the petitioner is in a position to influence the witnesses of the prosecution. Further, the apprehension expressed by learned State counsel can be addressed by imposing stringent conditions on the petitioner while granting him concession of bail in the present case.

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.*
- (viii) *The petitioner shall report every 1st Monday in English calander month to 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 to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.*

29.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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