



237

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

**CRM-M-51338-2024
Date of Decision:14.01.2025**

SURAJ SINGH ALIAS SURJI**...PETITIONER****VS.****STATE OF PUNJAB****...RESPONDENT****Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Shubham Goyal, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, with a prayer to grant regular bail to him in case FIR No.33 dated 22.03.2014, registered under Sections 307, 323, 324, 341, 506, 148 read with Section 149 IPC (Section 326 IPC was added later on), Police Station Kartarpur, (Now Police Station Bhogpur), District Jalandhar.

2. Learned counsel for the petitioner contends that the petitioner was earlier arrested in the present case, however, he was ordered to be released on bail by this Court on 28.10.2014. He further contends that the petitioner was



unemployed and on finding a job, he had gone abroad. Consequently, he could not appear before the trial Court and was declared as a proclaimed offender vide order dated 31.08.2015. Learned counsel contends that the petitioner was again arrested on 28.08.2024 and is in custody for the last more than four months. As per him, 5 remaining co-accused of the petitioner were tried by the Court of Additional Sessions Judge, Jalandhar. After holding trial, the trial Court acquitted Gurjit Singh and Satpal Singh @ Sabi, whereas 3 accused namely Harshdeep Singh, Samual and Gurkirat Singh have been released on probation by the trial Court. He contends that the present petitioner has undergone more than 08 months and 18 days of custody in all and the challan has already been presented against him.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

5. In the present case, it is not in dispute that the trial against 5 co-accused has already been completed by the trial Court and two co-accused have been acquitted, whereas 3 other co-accused have been ordered to be released on probation on good conduct. The petitioner has undergone about 8 months and 18 days of custody. Thus, his further custody may not serve any useful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his



furnishing bail bonds and surety to the satisfaction of the concerned trial Court/
Duty Magistrate/Chief Judicial Magistrate 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 passports, 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 is involved 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 on every 1st Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.



(ix) At the time of furnishing the bail bonds, the petitioner shall surrender his passport before the trial Court and shall not leave India without seeking prior permission from the trial Court. He shall remain present before the trial Court on each and every date of hearing and shall not remain absent, without seeking prior approval of the Court.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

14.01.2025
vipin

(N.S. SHEKHAWAT)
JUDGE

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