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

**CRM-M-56265-2024
Date of Decision:21.01.2025**

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

Present : Mr. Hitesh Chopra, Advocate (Through V.C.) with
Mr. Amit Kumar, 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 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.118 dated 12.09.2023, registered under Sections 307, 148, 149, 201, 473, 411 of IPC 1860 & Sections 25 & 27 of Arms Act, Police Station Dera Baba Nanak, District Gurdaspur.

2. Status report by way of an affidavit of the Deputy Superintendent of Police, Sub Division Dera Baba Nanak Police District Batala has been filed on behalf of the respondent-State and the same is taken on record.



3. Learned counsel for the petitioner contends that the FIR was initially registered on the basis of the statement made by Harmanjot Singh @ Hema against Gurjant Singh, Harpreet Singh, Jagtar Singh @ Happy, Amritjeet Singh and Nihal Singh. However, the petitioner was not named as an accused in the FIR. He further contends that even as per the admitted case of the prosecution, the petitioner was not present at the place of occurrence and had not participated in the commission of crime in any manner. He further contends that the pistol, which was allegedly used in the commission of crime, has already been recovered from Sajan Masih @ Goru, co-accused. He further contends that during the course of investigation, Amritjeet Singh, Nihal Singh and Lovepreet Singh were arrested by the police and as per the disclosure statement of the accused, the petitioner was also involved in the present crime. However, after his arrest, no recovery was effected from the petitioner. The petitioner was arrested in the present case on 20.11.2023 and is in custody for the last one year and two months. Apart from that, the challan has already been presented against him and the conclusion of the trial may take considerable time.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner had supplied the weapon of offence to Amrit Singh, which was used by Amrit Singh in the present case. He further contends that the petitioner is facing prosecution in 06 other criminal cases and is a habitual offender.

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



6. No doubt the petitioner is found involved in 06 other criminal cases, but the same is not the ground to deny the concession of bail to the petitioner, specially when he has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. Reliance can also be placed in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** in which the Hon'ble Supreme Court has 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***.

7. In the present case, the petitioner was admittedly not present at the place of occurrence and the only allegation levelled against the petitioner is that he had supplied the weapon of offence to Amrit Singh. The petitioner had not participated in the commission of crime at the spot and the trial is not likely to conclude in near future.

8. 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 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 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.

9. 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.

21.01.2025
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(N.S. SHEKHAWAT)
JUDGE

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