

CRM-M-59421-2022 (O&M)

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

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**CRM-M-59421-2022 (O&M)
Date of decision: 02.03.2023**

PRABHDEEP SINGH @ DEEPU

...Petitioner(s)

Versus**STATE OF PUNJAB**

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Yadwinder Singh, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.**CRM-9865-2023**

For the reasons mentioned in the application, same is allowed subject to all just exceptions and Annexures P-6 to P-9 are taken on record.

MAIN CASE

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 54 dated 12.02.2015 under Section 397, 394 and 34 IPC and Section 25 of the Arms Act registered at Police Station Basti Jodhewal, Tehsil and District Ludhiana.

Learned counsel contends that the petitioner has been in custody for the last 5 years and 1 month having been arrested on 10.01.2018. He was not named in the FIR, however, his name has been surfaced based on the statement of one Chanchal Singh, who alleged that the petitioner and co-accused Peter had

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made an extra judicial confession before him admitting to the offence, which being joint is inadmissible. There is no evidence to connect him with the alleged crime; the complainant has not supported the prosecution version; there are a total of 18 prosecution witnesses out of which, only 8 have been examined.

Learned State counsel has filed custody certificate, same is taken on record. He opposes the bail on the ground that the mobile of the complainant was snatched by the petitioner alongwith the co-accused, who had received a gun shot injury. Petitioner is involved in other cases also. However, he is unable to controvert the other submissions made by learned counsel for the petitioner in particular with regard to custody, stage of the trial and that the complainant has not supported the case of prosecution.

Heard.

Hon'ble The Supreme Court of India in the case of **Maulana Mohd. Amir Rashadi** (*Supra*) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

In view of the facts and circumstances of the case, in particular that the petitioner has been in custody since 10.01.2018, he is not involved in any other case; there are a total of 18 prosecution witnesses out of which only 8 have been examined; the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

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As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioner shall not in any manner misuse his liberty.
7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

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In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

02.03.2023

Mehak

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No



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