



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

CRM-M-4669-2024

Date of Decision:28.04.2025

Jaswinder Singh @ Ghora

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr.Imaan Singh Khara, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the third petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 127, dated 03.07.2023, registered under Section 307 of IPC and Section 25 of Arms Act, Police Station Talwandi Sabo, District Bathinda (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner had earlier withdrawn his petition for grant of bail on 24.07.2024. Thereafter, the petitioner has undergone about 09 months of custody and the long custody of the petitioner itself is a change of circumstances for the purpose of filing a fresh bail petition before this Court.
3. Learned counsel for the petitioner contends that the it has been falsely alleged that the petitioner had fired a shot towards the police party. In fact, the allegations levelled against the petitioner are false and none of the police officials had suffered any kind of injury, during the firing. In fact, the

present petitioner himself is a victim of police atrocities as he was mercilessly beaten up by the police officials and he had received a fire arm injury just below the right knee. He further contends that the petitioner was arrested in the present case on 10.07.2023 and is in custody for the last about 01 year and 09 months. The prosecution has been able to examine only 01 witness out of total 18 witnesses so far and the custody of the petitioner will not serve any meaningful purpose. He further contends that the case is based on the testimonies of police officials, the petitioner is not in a position to influence the witnesses in the present case.

4. A status report by way of an affidavit of Deputy Superintendent of Police, Sub Division Talwandi Sabo, District Bathinda has been filed on behalf of respondent-State and the same is taken on record.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that four other cases were ordered to be registered against the petitioner.

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

7. No doubt, the petitioner is on bail in most of the cases. In present case, the petitioner has already suffered incarceration for a period of about 01 year and 09 months and the prosecution has been able to examine only 01 witness so far and there is no material on record to show that the petitioner is in a position to influence the witnesses of the prosecution.

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.

(N.S.SHEKHAWAT)

JUDGE

28.04.2025

hitesh

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