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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-54605-2024****Date of Decision: 08.01.2025**

Gurwinder Singh @ Neetu

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Rajbir Singh, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, 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.78 dated 05.04.2019 registered under Sections 323, 341, 506, 34 of IPC, at Police Station Lehra, District Sangrur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case at the instance of the complainant. The petitioner was arrested in the present case on 16.10.2019 and since all the offences were bailable in nature, he was ordered to be released on bail vide order dated 16.10.2019 (Annexure P-2). However, due to his ill health, he could not appear during the trial and his bail order was cancelled and non-bailable warrants were issued against him. The petitioner was again arrested and remained in custody. Thereafter, again due to his ill health, the petitioner could not appear before the trial Court and he was declared as proclaimed



offender on 16.08.2024. The petitioner was arrested in the present case on 07.10.2024 and is in custody since then. He further contends that the offences in the present case are bailable in nature and are triable by the Court of Magistrate. Learned counsel further undertakes that the petitioner shall appear on each and every date of hearing and shall not remain absent during trial without seeking prior permission of the trial Court.

3. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Lehra, District Sangrur has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there is a well founded apprehension that the petitioner might abscond from the process of law and the petition may be dismissed.

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

5. In the present case, the petitioner is in custody for the last about 03 months. No doubt, the petitioner absented twice during the course of trial, but now keeping in view the nature of allegations, he can be ordered to be released on bail subject to certain stringent conditions of bail.

6. Consequently, 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 also furnish an affidavit before the concerned Court that he shall appear on each and every date of hearing and shall not remain absent from the trial Court proceedings, without prior permission of the trial Court.*

08.01.2025

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(N.S.SHEKHAWAT)
JUDGE

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