

CRM-M-35583-2023

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(217)

CRM-M-35583-2023

Date of Decision:- 18.01.2024

Jobanpreet Singh @ Joban

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sandeep Wadhawan, Advocate and
Mr. Suvir Tandon, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.271 dated 13.09.2020, under Sections 302, 201 of IPC and Section 109/120 of IPC (added later on), registered at Police Station Lopoke, District Amritsar Rural.
2. Learned counsel for the petitioner submits that the petitioner is in custody for the last more than 03 years 03 months and 13 days and the prosecution is based on extra judicial confession before the *Sarpanch*, which is highly improbable.
3. Custody certificate filed by the learned State counsel is taken on record, according to which the petitioner is in custody for the last 03 years 03 months and 13 days and on a specific query with regard to the stage of trial, it is submitted by the learned State counsel that 08 out of 21 witnesses have been examined including all the material witnesses.
4. After hearing learned counsel for the parties and the fact that the petitioner is in custody since 05.10.2020 and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in

custody.

5. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

6. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

7. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

8. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.

January 18, 2024
manju

(ALOK JAIN)
JUDGE

Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No