
Navjot Sharma Vs State Of Punjab

Criminal Miscellaneous Petition (M) No. 20941 Of 2022

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: May 16, 2022

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 437A, 438, 446#Evidence Act, 1872 " Section 27

Hon'ble Judges: Anoop Chitkara, J

Bench: Single Bench

Advocate: Akshay Bansal, Dhruv Dayal

Final Decision: Allowed

Judgement

FIR No.,Dated,Police Station,Sections

17,18.03.2022,"Talwara, District

Hoshiarpur, Punjab","21(1) of Mines & Minerals (Development and Regulation)

Act 1957

Court,,,

15. The petitioner to also execute a bond for attendance in the concerned Court(s), as and when asked to do so. The presentation of the personal bond",,,

shall be deemed acceptance of the following and all other stipulations, terms, and conditions of this bail order.",,,

16. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called,,,

by the Investigating Officer or any Superior Officer; and shall cooperate with the investigation at all further stages as might be required. In the event,,,

of failure to do so, it will be open for the prosecution to seek cancellation of the bail. Whenever the investigation occurs within the police premises, the",,,

petitioner shall not be called before 8 AM and shall be let off before 6 PM, and shall not be subjected to third-degree, indecent language, inhuman",,,

treatment, etc." ,,,

17. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police" ,,,

officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the Police, or" ,,,

the Court, or to tamper with the evidence." ,,,

18. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms" ,,,

ammunition, if any, along with the arms license to the concerned authority within ten days from today and inform the Investigator about the" ,,,

compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case," ,,,

provided otherwise permissible in the concerned rules.,,,

19. Within ten days from today, the petitioners shall forward to the Investigator/SHO and the complainant/victim(s) the complete details of bank" ,,,

account numbers with addresses, fixed deposits, DEMAT account numbers, the current market value of jewelry, sovereign metals, all precious" ,,,

articles, held either individually or jointly, and cash-in-hand. If the petitioners fail to comply with this condition, then on this ground alone. In that" ,,,

case, the bail might be canceled, and the complainant may file any such application for the cancellation of bail, and State shall file the said" ,,,

application.,,,

20. During the trial's pendency, if the petitioner repeats or commits any offence where the sentence prescribed is more than seven years or violates" ,,,

any condition as stipulated in this order, it shall always be permissible to the respondent to apply for cancellation of this bail. It shall further be open for" ,,,

any investigating agency to bring it to the notice of the Court seized of the subsequent application that the accused was earlier cautioned not to indulge,,,

in criminal activities. Otherwise, the bail bonds shall continue to remain in force throughout the trial and after that in terms of Section 437-A of the" ,,,

Cr.P.C.,,,

21. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of,,,

this bail order in any language that the petitioner understands.,,,

22. If the petitioner finds bond amount beyond social and financial reach, it may be brought to the notice of this Court for appropriate reduction." ,,,

Further, if the petitioner finds bail condition(s) as violating fundamental, human, or other rights, or causing difficulty due to any situation, then for" ,,,

modification of such term(s), the petitioner may file a reasoned application before this Court, and after taking cognizance, even to the Court taking" ,,,

cognizance or the trial Court, as the case may be, and such Court shall also be competent to modify or delete any condition." ,,,

23. This order does not, in any manner, limit or restrict the rights of the Police or the investigating agency from further investigation as per law." ,,,

24. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offence in this FIR, and if the" ,,,

new section prescribes maximum sentence which is not greater than the sections mentioned above, then this bail order shall be deemed to have also" ,,,

been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence" ,,,

prescribed in the sections mentioned above, then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of" ,,,

seven days providing an opportunity to avail the remedies available in law.,,,

25. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.,,,

26. In return for the protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior." ,,,

27. The SHO of the concerned police station or the investigating officer shall arrange to send a copy of this order, preferably a soft copy, to the" ,,,

complainant and the victim, within two days. If the victim(s) notice any violation of this order, they may inform the SHO of the concerned police" ,,,

station, the trial court, or even this court." ,,,

There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this" ,,,

order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to ,,,

verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds." ,,,

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed." ,,,