
Tarlok Singh @ Koka Vs State of Punjab

Criminal Miscellaneous Petition (M) No. 35109 Of 2022

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 26, 2022

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 437A, 439, 446

Hon'ble Judges: Anoop Chitkara, J

Bench: Single Bench

Advocate: Rahul Dev Singh, H.S. Sitta

Final Decision: Allowed

Judgement

FIR No.,Dated,Police Station,Sections

117,04.09.2021,Sadar Pathankot,"307, 341, 324 IPC

the original receipt shall be handed over to the concerned court. If made online, its printout, countersigned by the accused, shall be given; and the",,,

depositor shall get the online liquidation disabled. The applicant shall inform the concerned branch of the bank at the earliest that it has been tendered,,,

as surety. Such information be sent either by e-mail or by post/courier about the fixed deposit, whether made on paper or in any other mode, along",,,

with its number and FIR number. After that, the applicant shall hand over such proof and endorsement to the concerned police station. Such court",,,

shall have a lien over the deposit until the case's closure, or discharged by substitution, or up to the expiry of the period mentioned under S. 437-A",,,

CrPC, 1973, as the case may be. Subject to the proceedings under S. 446 CrPC, the entire amount of fixed deposit, less taxes, if any, shall be",,,

endorsed/returned to the depositor.,,,

14. It shall be the total discretion of the applicant to choose between surety bonds and fixed deposits. It shall also be open for the applicant to apply to,,,

the investigator or the concerned court to substitute fixed deposit with surety bonds and vice-versa.,,,

15. On the reverse page of personal bonds, the attesting officer shall mention the permanent address of the petitioner along with the phone number",,,

linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioner",,,

shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and the concerned",,,

Court.,,,

16. 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",,,

For Subsequent orders see CRM-37925-2022 Decided by HON'BLE MR. JUSTICE ANOOP CHITKARA shall be deemed acceptance of the",,,

following and all other stipulations, terms, and conditions of this bail order.".,,,

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 fifteen days from release from prison 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. Till the completion of the trial, the petitioner shall not contact, call, text, message, remark, stare, stalk, make any gestures or express any unusual or",,,

inappropriate, verbal or otherwise objectionable behavior towards the victim and victim's family, either physically, or through phone call or any other",,,

social media, through any other mode, nor shall unnecessarily roam around the victim's home.".,,,

20. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and the",,,

residence of the victim till the completion of the trial. This Court is imposing this condition to rule out any attempt by the accused to incapacitate",,,

influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (CrI.) 458);",,,

and Aparna Bhatt v. State of Madhya Pradesh, 2021 SCC Online SC 230.".,,,

21. 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 remain in force throughout the trial and after that in Section 437-A of the Cr.P.C., if not canceled",,,

due to non-appearance or breach of conditions.,,,

22. The conditions mentioned above imposed by this court are to endeavour that the accused does not repeat the offence and to ensure the safety of,,,

the witnesses, victim, and their families. In Mohammed Zubair v. State of NCT of Delhi, Writ Petition (Criminal) No 279 of 2022, Para 29, decided on",,,

July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a",,,

nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts while imposing bail conditions,,,

must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and",,,

liberties must be eschewed.",,,

23. 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.,,,

24. 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.",,,

25. 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.",,,

26. 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.,,,

27. 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.,,,

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

29. 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, without any delay on their part. 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." ,,,

30. 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." ,,,