
(2022) 12 P&H CK 0068

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous Petition (M) No. 54502 Of 2022

Karan Singh And
Another

APPELLANT

Vs

State Of Punjab And
Others

RESPONDENT

Date of Decision: Dec. 20, 2022

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 437A, 438(2), 439, 446

Hon'ble Judges: Anoop Chitkara, J

Bench: Single Bench

Advocate: Munish Puri, Virat Rana, Deepti Rampal

Final Decision: Allowed

Judgement

FIR No.,Dated,Police Station,Sections

154,05.11.2021,"Division No.1, District

Pathankot","307, 379-B, 341, 506, 148, 149 IPC (323 IPC

added later on).

OR,,,

(b) Petitioners to hand over to the concerned court a fixed deposit for Rs. Ten Thousand only (INR 10,000/-) each, with the clause of automatic",,,

renewal of the principal and the interest reverting to the linked account, made in favor of the "Chief Judicial Magistrate", of the concerned",,,

district. Said fixed deposit may be made from any of the banks where the stake of the State is more than 50% or any of the well-established and,,,

stable private sector banks. The fixed deposit need not necessarily be made from the petitioner's account.,,,

(c). 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 Cr.P.C., 1973, and at that stage, subject to the proceedings under S. 446 Cr.P.C., the entire amount of fixed deposit, less taxes if any,",,

shall be endorsed/returned to the depositor.,,,

(d). It shall be the total discretion of the petitioners to choose between surety bond and fixed deposit. It shall also be open for the petitioners to apply to,,,

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

(e). On the reverse page of personal bond, the petitioners shall mention her/his permanent address along with the phone number, preferably that",,,

number which is linked with the AADHAR, and e-mail (if any). In case of any change in the above particulars, the petitioners shall immediately and",,,

not later than 30 days from such modification, intimate about the change to the concerned police station and the concerned court.",,,

(f). The petitioners are 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 declarations made in the bail petition and all other stipulations, terms, and conditions of section 438(2) of the",,,

Code of Criminal Procedure, 1973, and also of this bail order.",,,

12. The petitioners 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.",,,

13. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioners 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 petitioners shall be entitled to renew and take it back in case of acquittal in",,,

this case, provided otherwise permissible in the concerned rules.",,,

14. Till the completion of the trial, the petitioners 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.",,,

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

residence of the victim and shall also not enter within a radius of five-hundred meters from the victim's home till the recording of the statements,,,

of all non-official and informal witnesses in 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.",,,

16. During the trial's pendency, if the petitioners repeat or commit 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.,,,

17. 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."<,,,

18. Any Advocate for the petitioners and the Officer in whose presence the petitioners put
signatures on personal bonds shall explain all conditions of,,,

this bail order in any language that the petitioners understand.,,,

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

Further, if the petitioners find 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 petitioners 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.",,,

20. 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.",,,

21. 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 petitioners notice of a
minimum of seven days providing an opportunity to avail the",,,

remedies available in law.,,,

22. 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.,,,

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

24. 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. 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." ,,,

25. There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioners 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." ,,,