

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5976-2020

Date of Decision: 06.03.2020

Harmanjit Singh @ Harman

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Bikramjit Aroura, Advocate,
for the petitioner.

Ms. Jasleen Kaur Sidhu, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner submits that though the petition earlier filed by the present petitioner, i.e. CRM-M-46538 of 2019 (alongwith another co-accused), was withdrawn when it came up for hearing on November 06, 2019, today he points out that in fact the occurrence in question is shown to have taken place on 02.09.2019, even as per the FIR registered on 03.09.2019 (copy Annexure P-1), with the petitioner in fact having been released from jail in connection with another FIR registered against him, on 04.09.2019. He submits that, therefore, his involvement in the occurrence in question in the present FIR, would be extremely doubtful because if he was genuinely involved in a fight in the prison (as is subject matter of the FIR in question), the jail authorities would never have released him two days later.

He further submits that he is shown to be a part of a “gang” of prisoners who inflicted injuries on some other prisoners, but with none of the injuries being more than simple injuries.

Learned State counsel, however, submits that simply because the petitioner may have been released (though she has no specific instructions either way), would not mean that he was not involved in the occurrence two days earlier.

She further submits that many injuries having been caused on different persons within the jail premises, even on the head of one prisoner, the petitioner does not deserve the concession of bail.

Having considered the matter, in view of the fact that it is stated to have been possibly a gang fight, with all the injuries inflicted on all persons being simple injuries, further seen with the fact that the petitioner was actually released from prison two days later and thereafter is stated to have been re-arrested, without making any comment on the actual merits of the case, he having remained in prison for that occurrence for more than five months as per the custody certificate filed in court today, the petition is allowed and the petitioner is ordered to be released on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial court/Duty Magistrate concerned.

March 06, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.