

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-8429-2021(O&M)

Date of decision:-20.8.2021

Farid Khan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.R.S. Dhaliwal, Advocate
for the petitioner.

Ms.Bhavna Gupta, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This second petition for regular bail has been filed by petitioner – Farid Khan, an accused in FIR No.205 dated 20.10.2018, under Sections 323, 324, 341, 506, 201, 34 later added and converted offence of 324 IPC into 326 IPC and under Section 307 IPC, registered with police station City, Sunam, District Sangrur.

In nutshell, the prosecution story is that on 18.10.2018 in the evening at about 8:00 p.m. complainant – Navali Kumar son of Sh.Hari Ram, resident of Ward No.20, Indira Basti near Gurudwara Hargobindpura, Sunam, aged about 28 years along with his friend Gurdeep Singh son of Sh.Jagroop Singh of that very ward was returning

home from main bazar, Sunam on motorcycle Bullet bearing registration No.PB-29G-4969, then petitioner/accused Farid Khan son of Ellass Khan along with Ajay Kumar alias Ajay Bhaiya riding a motorcycle of black colour came there and intercepted the complainant and his friend Gurdeep Singh; Farid Khan was having a KIRCH whereas Ajay Kumar @ Ajay Bhaiya was armed with an iron rod; Ajay Kumar @ Ajay Bhaiya raised a lalkara and attacked the complainant with an iron rod, hitting him on right shoulder; he gave the second iron blow to Gurdeep Singh hitting him on back; Farid Khan stabbed the complainant with his KIRCH in the abdomen, resultantly intestines of the complainant were cut and came out of the wound; the complainant/injured fell down; Gurdeep Singh and other persons present in the bazar raised an alarm, which attracted several people and observing that both the assailants ran away from the spot along with their weapons on the motorcycle; the complainant/injured was taken to Civil Hospital, Sunam by Gurdeep Singh, but since doctor was not available there, as such he was referred to Civil Hospital, Sangrur. The complainant/injured was provided first aid there and then referred to Rajindra Hospital, Patiala. The complainant/injured was operated upon there and otherwise medically treated. He was medico-legally examined. On statement made by the complainant Navali Kumar to the police, formal FIR in the matter was recorded. Petitioner/accused was arrested in this case. He had filed an application for regular bail in the Court of Sessions at Sangrur, which was assigned to Additional Sessions Judge, Sangrur, who vide order dated 5.2.2021 had dismissed the said application. Thereafter, the petitioner had filed a similar petition before

this Court. The said petition bearing CRM-M-54486-2019 was withdrawn by the counsel for the petitioner and was dismissed accordingly vide order dated 28.2.2020. Now the petitioner/accused has come to the this Court again filing a second petition for grant of regular bail.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record and I find that the petition is bound to fail.

There has not been any discernible change in circumstances since dismissal of the earlier petition.

The allegations against the petitioner are very grave and serious inasmuch as he while armed with a dangerous weapon like KIRCH stabbed the complainant in the abdomen causing him serious injuries. Such injury was caused in vital part of the body and indicates that intention of the petitioner/accused was to commit murder of the complainant. The petitioner/accused comes out to be a habitual offender since as mentioned in the written reply filed on behalf of the State, he is involved in 6 more criminal cases, as detailed below:

(i) FIR No.132 dated 10.7.2018, under Sections 458, 459, 323, 427, 148, 149 IPC, P.S. City, Sunam.

(ii) FIR No.142 dated 19.7.2018, under Sections 458, 324, 506, 148, 149 IPC, P.S. City Sunam.

(iii) FIR No.180 dated 6.9.2018, under Sections 341, 323, 34 IPC, P.S. City Sunam.

(iv)FIR No.28 dated 25.2.2019, under Sections 324, 323, 34 IPC, P.S.

City Sunam.

(v)FIR No.173 dated 30.10.2019, under Section 52-A, of Prisons Act,

P.S. City-1, Sangrur.

(vi)FIR No.66 dated 26.3.2020, under Section 52-A of Prisons Act, PS

City-1, Sangrur.

The custody certificate placed on record by the State counsel also reflects this very position. In addition to that the petitioner is shown to have been convicted and sentenced in FIR No.66 dated 26.3.2020, under Section 52-A of Prisons Act, PS City-1, Sangrur and similarly he is shown to have been convicted in FIR No.173 dated 30.10.2019, under Section 52-A, of Prisons Act, P.S. City-1, Sangrur. Thus the petitioner/accused comes out to be a hardened and habitual criminal, who does not deserve any sympathy. As has been normally observed, such type of persons after coming out of the jail again take to path of crime posing danger to the lives of innocent persons.

Learned counsel for the petitioner has contended that petitioner is behind bars for about two years in this case and conclusion of the trial against him shall take sufficient time, therefore, he be granted concession regular since he is suffering from a serious ailment of Pulmonary Tuberculosis and is quite unwell.

However, learned State counsel has vehemently opposed the request.

I on my part feel that the petitioner has committed a heinous

crime of stabbing a young man in his abdomen causing great risk to his life and his involvement in several other criminal cases some of them registered with regard to heinous crimes and his conviction in two of the cases do point out that he has got a criminal bent of mind and if granted bail, there is reasonable possibility of his absconding and tampering with the prosecution evidence by giving threats or inducement to the prosecution witnesses. Furthermore, there is likelihood of his taking to path of crime again and disturbing the public peace and tranquility. Therefore, there is justification for curtailing his personal liberty by rejecting his petition for grant of regular bail.

Although the petitioner is stated to be suffering from pulmonary tuberculosis but as mentioned in the impugned order by learned Additional Sessions Judge, Sangrur, he is being given proper treatment in the jail and is being kept in isolation ward. There is nothing on record to show that his release on bail is desirable to enable him to get better treatment from some private medical institution.

Thus keeping in view the detailed discussion above, I find that the petition is doomed for failure and is dismissed accordingly.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

20.8.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No