

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10943-2021

Date of Decision: 16.03.2021

Dildar Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sandeep Bhardwaj, Advocate, for the petitioner.

Mr. Amandeep S. Gill, Sr. DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in FIR No.304 dated 16.11.2020, under Sections 323, 353, 186, 506, 148 and 149 of the Indian Penal Code, registered at Police Station Gate Hakima, District Amritsar.

The learned counsel for the petitioner has submitted that this is the second bail application filed by the petitioner and his earlier bail application was dismissed as withdrawn on 06.01.2021. He has submitted that there has been a change of circumstances and in view of the same, the present second bail application has been filed. He has submitted that after the withdrawal of the earlier bail application, the investigation of the case has now been completed and the challan has now been presented on

15.01.2021. Apart from this, another similarly situated co-accused namely Narender has been granted bail by the learned trial Court. He further submitted that on the merits of the case, a perusal of the FIR would show that the main accused in the present case are Gora Singh Mason son of Lakha Singh and Sonu son of Charan Singh whose names have been mentioned in the FIR. However, so far as the petitioner and the aforesaid Narender are concerned, their names were not present in the FIR but it was mentioned in the FIR that 4-5 unknown persons were standing there who were attacked them. He submitted that in fact the petitioner was only a bystander and he had come on cycle and it is yet to be proved by way of evidence as to whether he had attacked the police personnel or not. He has further submitted that the petitioner is in custody since four months and investigation of the case has already been completed and there is no case against the petitioner and therefore he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody since four months and the investigation of the case has been completed and the challan has been presented on 15.01.2021. He has however opposed the grant of bail on the ground that the matter is serious in nature as the attack was made on police personnel .

I have heard the learned counsel for the parties.

So far as the custody period of the petitioner is concerned, the same is not in dispute and it is also not disputed that the Challan in the present case has already been presented. So far as the maintainability of the second bail application is concerned, the second bail is maintainable in view

of the fact that after the withdrawal of the earlier bail application, the investigation was completed and the challan was presented in the Court. Furthermore, it is also not disputed by the learned State counsel that other similarly situated co-accused namely Narender has already been granted bail by the learned trial Court. Furthermore, it is not the case of the learned State that in case the petitioner is granted bail then he may tamper with any evidence or influence any witnesses or flee from justice in view of the fact that there is no other case against him as submitted by the learned State counsel.

Therefore, considering the totality and circumstances of the present case, I deem it fit and proper to allow the present petition. Consequently, the present petition is allowed. The petitioner shall be admitted to regular bail on his furnishing bail/surety bonds subject to the satisfaction of the learned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

16.03.2021

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No