

CRM-M-20542-2021 (O&M)

Date of decision : 19.07.2021

Pawan Kumar @ Tikka

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

Mr. Navkiran Singh, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the fourth petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.417 dated 21.10.2020 under Sections 323, 398, 506, 34 of the Indian Penal Code, 1860 (Offences under Sections 385, 347 IPC deleted later on) and Section 27 of the Arms Act, 1959 registered at Police Station Division No.5, District Jalandhar.

Learned counsel for the petitioner would contend that the petitioner had earlier filed two regular bail petitions being CRM-M-38780-2020 and CRM-M-1336-2021 which were dismissed as withdrawn on 26.11.2020 and 18.01.2021, respectively. Learned counsel for the petitioner would further contend that the petitioner has been granted interim bail twice, firstly to attend to his ailing father and secondly, for attending the last rites of his father.

It is further the contention of learned counsel for the petitioner that the petitioner has not misused the concession of interim bail and had surrendered on time. Learned counsel for the petitioner would further contend that the allegations against the petitioner, in the present FIR, are only that he had inflicted multiple blows on the back and legs of the complainant with a rubber hose and that a licensed revolver was recovered from him. He would further contend that the injuries which have been attributed to the petitioner are simple in nature.

Learned counsel for the State has filed the status report by way of affidavit of Palvinder Singh, PPS, Assistant Commissioner of Police (West) Jalandhar wherein it has been stated that the investigation is complete and the challan has already been presented. However, the case is still to be committed to the Court of Sessions Judge, Jalandhar.

Learned counsel for the complainant states that there is a threat perception in case the petitioner is let out on bail.

Heard.

Without commenting upon the merits of the case and by considering the facts that the petitioner has been in custody for the last seven months and that on two occasions when the petitioner was granted interim bail he did not misuse the concession of bail, I deem it appropriate to grant regular bail to the petitioner against heavy surety. However, keeping in view the apprehension expressed by learned counsel for the complainant, the petitioner is directed to be released on bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

19.07.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO