

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

217

CRM-M-35754-2021

Date of Decision : November 03, 2021

NAVJOT SINGH ALIAS MANI SIDHU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. A.S. Gill, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Kiran Kumar Madaan, Advocate
for the complainant.

Through Video Conferencing

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 case FIR No. 274 dated 19.09.2020, under Sections 307, 326, 452, 323, 324, 148, 149, 201 of IPC, registered at Police Station Division No.8, District Police Commissionerate, Jalandhar.

The learned counsel for the petitioner has submitted that the petitioner is in custody since 5 months and 21 days and the investigation of the case is already complete and challan has already been presented before the competent Court. He submitted that nothing is to be recovered from the petitioner and the petitioner was falsely implicated in the present case. He has further submitted that although there are six more cases against the petitioner but in these case also the petitioner was falsely

implicated at the instances of the complainant Balraj Singh, who is an ASI in Punjab Police and posted in Jalandhar itself. Learned counsel further referred to the details of other FIRs which he has mentioned in para no.16 of the petition to contend that in all the other cases, the petitioner is already on bail and out of six cases, the petitioner is on bail in four cases and the other two cases pertain to Excise Act in which no process for arrest was initiated against the petitioner. He has further submitted that in fact all the cases including the present case were planted upon the petitioner at the instance of the complainant Balraj Singh ASI. He has further submitted that be that as it may, he has already been in custody for more than five months and the investigation of the case is already complete and since the trial of the case would take long time, he may be considered for the grant of bail.

On the other hand, Mr. Karanbir Singh, AAG, Punjab has submitted that an affidavit has been filed by the Asstt. Commissioner of Police (North), Jalandhar and while referring to the aforesaid affidavit, he submitted that the petitioner was specifically named in the FIR and there is also CCTV footage of the incident and the complainant has specifically stated that the petitioner has caused injuries with the other assailants. He has further submitted that the injuries were caused to three persons and the details of the same are mentioned in para no.3 of the affidavit and all the injuries were either on left forearm, left arm, left shoulder and right side of face and some of them have been declared as grievous in nature. He has opposed the grant of bail on the ground that the matter is serious in nature and the petitioner is involved in other cases as well.

Mr. Kiran Kumar Madan, Advocate for the complainant has submitted that the petitioner does not deserve the concession of bail in view of the seriousness of the case and, therefore, he has opposed the grant of regular bail to the petitioner.

Replying to the submissions made by the learned State counsel, it has been further argued by the learned counsel for the petitioner that the alleged injuries are not attributable to the petitioner and otherwise also they are on the non-vital part of the body of the injured and, therefore, the ingredients of Section 307 of IPC are not fulfilled. He has further submitted that even these injuries were got manipulated by the injured/complainant Balraj Singh ASI and also in the CCTV footage, the petitioner cannot be seen to have been attacking anybody.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not in dispute. He is in custody for about 5 months and 21 days and the investigation of the case is already complete and the challan also stands presented. The pendency of other six FIRs against the petitioner, out of which in four FIRs, he is already on bail and in other two FIRs under Excise Act, he was not arrested, cannot become a ground for denial of bail. Furthermore, the argument raised by the learned State counsel and the learned counsel for the complainant that the matter is serious in nature also cannot constitute a ground for denial of bail in the facts and circumstances of the present case, where the injuries were on the non-vital part of the body of the injured. Furthermore, apart from the same, the investigation of the case is already complete and the challan has been presented and the petitioner

cannot be kept in custody for unlimited period of time. Furthermore, it is neither the submission of the learned State counsel nor it has come in the affidavit of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with the evidence of even may flee from justice.

Therefore, without commenting upon the merits of the case and considering the totality of the facts and circumstances of the present case, I deem it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

November 03, 2021
jyoti-iv/rajender

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No