

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

209

**CRM-M-36589-2021
Decided on : 26.10.2021**

Parwinder Singh @ Bindri

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Tarun Deep Kumar, Advocate
for the petitioner.

Mr. N. K. Banka, DAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.14 dated 23.02.2021 under Sections 307, 325, 323, 500, 341, 148 and 149 IPC and Sections 25 and 27 of Arms Act, registered at Police Station Hathur, District Ludhiana.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been alleged to have given one injury with a rod on the left arm of the complainant. It is submitted that the injury on the head has been attributed to Gurmanjot Singh @ Toor and Harit Singh @ Baba. The injury attributed to the petitioner is on a non vital part and at best, would attract Section 325 IPC. It is further submitted that the chances of involving persons who were not involved in the incident is there inasmuch as it has been stated that 14-15 persons

had come in one Verna car and on two motorcycles. It is highly improbable that 14-15 persons would be able to travel in one car and on two motorcycles. It is also submitted that the co-accused of the petitioner namely Harwinder Singh has been granted anticipatory bail by this Court although in the said case, the said Harwinder Singh was not attributed any injury. It is submitted that the charges are yet to be framed and thus, the trial is likely to take time.

Learned State counsel has opposed the present bail application and has submitted that out of 5 injuries, which have been given to the complainant, 4 injuries have been declared to be grievous. Even the injury on the head is stated to be grievous. Learned State counsel has further pointed out that the petitioner is involved in two other cases also.

Learned counsel for the petitioner in rebuttal has argued that the petitioner is on bail in one of the cases and is in custody in the other case. Reliance has been placed by the learned counsel for the petitioner upon a judgment dated 16.01.2012 passed by the Hon'ble Supreme Court in Criminal Appeal No.159 of 2012 titled as ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and others*** 2012 (2) SCC 382 reference has been made to the relevant portion of paragraph 6 which is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in

which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Keeping in view the above said facts and circumstances, moreso, the fact that the injury attributed to the petitioner is on the non vital part and is with the blunt weapon and also the fact that the injury on the head has been attributed to Gurmanjot Singh @ Toor and Harit Singh @ Baba and the fact that the challan in the present case has been presented and the charges have not been framed and thus, the trial is likely to take time and also in view of the law laid down by the Hon'ble Supreme Court in Maulana's (*supra*) case, this Court is of the view that the present petition deserves to be allowed and the petitioner deserves to be released on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other cases.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

26.10.2021
Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No