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

CRM-M-51004-2021

Date of decision : 10.12.2021

Sharanjit Singh @ Sharan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kuljit Singh Bal, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab alongwith
ASI Baldev Singh.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.190 dated 08.06.2020 registered under Sections 379-B/34 of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) at Police Station Maqbulpura, District Amritsar.

Learned counsel for the petitioner, at the outset, has submitted that in the present case, Section 201 of the IPC has already been added and thus, makes a prayer that on his oral request, Section 201 of the IPC be also read into the headnote as well as in the prayer clause of the petition and order granting bail may also cover the said Section.

In view of the oral request made by learned counsel for the petitioner, Section 201 of the IPC is ordered to be read into in the head note

as well as in the prayer clause of the petition.

Office is directed to do the needful accordingly.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not named in the FIR and has been implicated on the basis of his confessional statement which was recorded in case FIR No.118 dated 04.05.2021 registered under Sections 454/380 of the IPC at Police Station Maqbulpura, District Amritsar in which case, the petitioner had already been granted regular bail vide order dated 15.06.2021. It is argued that other than his confessional statement, there is no other evidence to link the petitioner with the present crime inasmuch neither recovery of mobile, nor of any money has been made from the petitioner. Even the recovery of weapon is not from the petitioner and it is from the co-accused namely Dharamvir. It is also argued that there is no MLR in the present case and thus, FIR seems to be an exaggerated version. It is submitted that the petitioner is in custody since 01.06.2021 and challan in the present case has already been presented and there are 15 witnesses, out of which none have been examined and thus, the conclusion of the trial is likely to take time. It is submitted that other than two FIRs, i.e. present FIR and FIR No.118 dated 04.05.2021, the petitioner is not involved in any other case.

Learned counsel for the State has opposed the present petition for grant of regular bail to the petitioner and has submitted on instructions from ASI Baldev Singh that the said concession should not be granted considering the fact of registration of FIR under Section 454 Cr.P.C. against the petitioner, however, the other facts as stated by the learned counsel for

the petitioner, have not been disputed.

In order to rebut the argument of learned counsel for the State, learned counsel for the petitioner has submitted that FIR No.118 dated 04.05.2021 was with respect to the landlord-tenant dispute and in the said case, as has been stated hereinabove, the petitioner has already been granted regular bail vide order dated 15.06.2021. Moreover, he has has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment 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 abovesaid facts and circumstances, moreso the fact that no recovery of either mobile or of any money has been made from the petitioner and even the weapon has not been recovered from the petitioner and has been recovered from the co-accused namely Dharamvir and the petitioner has been in custody since 01.06.2021 and there are 15 witnesses out of which none have been examined and thus, the conclusion of the trial is likely to take time and there is no MLR on record which would

show that any injury was caused to the complainant and also in view of the law laid down in **Maulana's** case (Supra), 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 the fact that he is not required in any other case.

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

10.12.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**