

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

208

CRM-M-9701-2022

Date of Decision: 28.04.2022

Rajbir Singh @ Giani

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Jasinder Singh Thind, Advocate for petitioner.

Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab.

Lalit Batra, J.(Oral)

Present third petition under Section 439 Cr.P.C has been moved by petitioner-**Rajbir Singh @ Giani** for grant of regular bail in case FIR No.123 dated 15.05.2020 under Sections 148, 186, 188, 270, 308, 323 and 353 IPC read with Section 149 IPC, registered at Police Station Gate Hakima, District Police Commissionerate Amritsar.

Status report dated 22.04.2022 has been received from Trial Court, in terms of which, trial of instant case FIR has already commenced on 24.02.2022 and thereafter, five (05) prosecution witnesses namely, PW-1 Assistant Sub Inspector Ashwani Kumar No.3068 (examination-in-chief recorded), PW-2 Assistant Sub Inspector Ashwani Kumar No.3718 (examination-in-chief recorded), PW-3 Assistant Sub Inspector Sawinder Singh, PW-4 Assistant Sub Inspector Kulwinder Singh and PW-5 Assistant Sub Inspector Nishan Singh, have been examined. Further, application under Section 319 Cr.P.C. moved by Prosecution for summoning Ajay Kumar as additional accused was allowed on 21.04.2022.

Learned counsel for the petitioner *inter alia* contends that allegedly on 14.05.2020, petitioner along with co-accused in prosecution of common object of unlawful assembly assaulted complainant-Assistant Sub Inspector Ashwani Kumar as well as his colleagues, in the discharge of their duties as such public servants and further inflicted injuries to them, whereas above said allegations are altogether false and frivolous and there is no iota of truth therein. He further urges that petitioner is languishing in custody since 29.10.2020 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has already commenced and during the course of trial, material witnesses namely, PW-1 Assistant Sub Inspector Ashwani Kumar No.3068 (examination-in-chief recorded), PW-2 Assistant Sub Inspector Ashwani Kumar No.3718 (examination-in-chief recorded), PW-3 Assistant Sub Inspector Sawinder Singh, PW-4 Assistant Sub Inspector Kulwinder Singh and PW-5 Assistant Sub Inspector Nishan Singh, have already been examined. He further submits that co-accused Ritik @ Kala, to whom alleged injury on the nose of complainant, has been attributed, said accused has already been extended concession of regular bail by Sessions Court, vide order dated 01.07.2020 (Annexure P/12). He further urges that co-accused namely Sandeep Dutt @ Deepu and Mani Singh @ Mani @ Matu have also been admitted to regular bail by the Sessions Court, vide orders dated 01.07.2020 and 03.03.2021 (Annexures P/13 and P/14 respectively). He further submits that after the

dismissal of previous bail application of petitioner, there is change in scenario as material prosecution witnesses, as detailed above, have already been examined. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition as well as status report dated 22.04.2022 received from Trial Court.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 29.10.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court; that testimonies of material witnesses namely PW-1 Assistant Sub Inspector Ashwani Kumar No.3068 (examination-in-chief recorded), PW-2 Assistant Sub Inspector Ashwani Kumar No.3718 (examination-in-chief recorded), PW-3 Assistant Sub Inspector Sawinder Singh, PW-4 Assistant Sub Inspector Kulwinder Singh and PW-5 Assistant Sub Inspector Nishan Singh have already been recorded and as such there is change in scenario after the dismissal of previous bail application (CRM-M-19505-2021) of petitioner and

since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Rajbir Singh @ Giani** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Amritsar, as the case may be.

(LALIT BATRA)
JUDGE

28.04.2022

Varinder Prashad

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