

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

\*\*\*

CRM-M-19697-2022  
Date of decision : 20.07.2022

Paramjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr.Ashish Pal Kaushal, Advocate  
for the petitioner.

Mr. Sukhbeer Singh, AAG, 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 FIR no.181 dated 10.07.2021 registered under Sections 307, 379-B, 325, 341, 506, 148, 149 IPC at Police Station Division no.6, Ludhiana, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 10.02.2022 and the challan in the present case has already been presented and there are 17 prosecution witnesses and since the charges have not been framed in the present case, the trial is likely to take time. It is further submitted that even as per the FIR, no injury has been attributed to the present petitioner and there is no injury suffered by the complainant which has been declared to be dangerous to life and thus, offence under Section 307 IPC is not made out. It is stated that Harpreet Singh, to whom two injuries have been attributed, has already

been granted regular bail by this Court vide order dated 12.07.2022 passed in CRM-M-28488-2022.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner is involved in three other cases. The other facts have however, not been disputed.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner has already been granted bail in the said cases and 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 while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. 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.”*

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 10.02.2022 and the investigation is complete and the challan has been presented and there are 17 prosecution witnesses and since the charges have not been framed, the trial is likely to take time. The petitioner is not alleged to have given any

been attributed with two injuries, has already been granted regular bail by this Court vide order dated 12.07.2022 passed in CRM-M-28488-2022. The question whether offence under Section 307 IPC is made out or not, would be a matter of debate which would be finally adjudicated during the course of the trial.

Keeping in view the above said facts and circumstances and 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 him not being required in any other case.

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 petition.

(VIKAS BAHL)  
JUDGE

July 20, 2022  
*Davinder Kumar*

|                             |        |
|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |