

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.218

CRM-M-21012-2021

Date of decision: 13.01.2022

Satar Mohammad

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. L.S. Mann, Advocate
for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.347 dated 05.12.2020, registered under Sections 307, 323, 341, 506, 148, 149 IPC at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

Briefly stated, the petitioner is being prosecuted for having caused, alongwith his co-accused, injuries on Amandeep Singh and Avtar Singh, which include simple injuries as also an injury which has been declared dangerous to life.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner is in custody since 25.01.2021; the injured persons are not appearing before the Trial Court resulting in unnecessary delay in the petitioner's trial; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, only leg blows (simple injuries) are attributed to the petitioner and that the

petitioner's trial in which 23 prosecution witnesses still remain to be examined will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner faces three other criminal cases and in the present case he is accused of having inflicted several injuries upon Avtar Singh and Amandeep Singh which include an injury on Amandeep Singh resulting in amputation of his right hand.

In the present case on 29.11.2021, this Court had passed the following order :-

“Custody Certificate of the petitioner filed on behalf of the State in the Court, today; Be kept on record.

2. Ld. State Counsel submits that charges in the present case have already been framed on 18.11.2021 and the matter is now fixed in the Ld. Trial Court for evidence of the prosecution witnesses.

3. This Court is inclined to pass any final order on the present petition only after the victim-Amandeep Singh gives his evidence before the Ld. Trial Court.

4. Adjourned to 13.01.2022.

5. In the meantime, let the victim-Amandeep Singh be examined as the first witness from the prosecution side. The State authorities shall render all the logistical assistance to secure his attendance before the Ld. Trial Court on the date fixed.

6. Further, considering the period of detention already undergone by the petitioner by now, i.e. ten months and three days, appropriate orders are liable to be passed in the present petition on the next date of hearing, in case evidence of the victim is not recorded in the Ld. Court below for any reason not attributable to the petitioner. ”

It is the admitted position that in spite of being served the injured have failed to appear before the Trial Court resulting in issuance of bailable warrants by the Trial Court to secure their presence.

Keeping in view the afore-quoted order of this Court; the conduct of the injured persons of having not appeared before the Trial Court in spite of having been served; the petitioner having served incarceration for nearly one year; the petitioner has been attributed only leg blows (simple injuries) and the fact that the petitioner's trial in which 23 prosecution witnesses still remain to be examined is likely to take a long time to conclude, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Fatehgarh Sahib, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

Januart 13, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No