

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

231

CRM-M-19746-2022

Date of Decision: 16.05.2022

Harjinder Singh

.....*Petitioner*

V/s.

State of Punjab

.....*Respondent*

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ishan Gupta, Advocate for the petitioner

Mr. Davinder Bir Singh, DAG Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.96,dated 01.06.2021 under Sections 323, 324, 506 and 34 of IPC, 1860 (Section 326 IPC added later on) registered at Police Station Sahnewal, District Ludhiana.

It has been argued by the learned counsel for the petitioner that the petitioner is in custody since August 2021 and challan in the present case has already been presented after the completion of the investigation. He submitted that it is a case where the FIR was earlier registered under Sections 323, 324, 506 and 34 of IPC, 1860 and the petitioner was released on bail and thereafter, the offence under Section 326 IPC was added but the police did not take any permission from the Court nor did they file any application seeking the arrest of petitioner and there was a violation of the law laid down by Hon'ble Supreme Court in **‘Pardeep Ram versus State of Jharkhand & Anr. 2019 (3) R.C.R. (Criminal) 538’** and therefore the arrest of the petitioner was illegal. He further submitted that now the challan has been presented and the

trial of the case would take long time and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that it is correct that earlier the petitioner had furnished bail bonds but after the enhancement of provisions of Section 326 IPC, no application was required to be filed before the competent Court nor any permission was necessary to be obtained.

I have heard the learned counsel for the parties.

As per learned counsel for the parties, it is the case where the petitioner had earlier furnished the bail bonds as the offence was bailable and thereafter, it was enhanced by adding Section 326 IPC. The case of the petitioner is covered by the law laid down by Hon'ble Supreme Court in **Pardeep Ram**_(supra). Even otherwise also, as per the learned State counsel the challan has already been presented after completion of the investigation and no recovery is to be effected from the petitioner and the trial of the case would take long time. Also vide Annexure P8 in Sukhjinder Singh @ Sukhi vs. State of Punjab (CRM-M-47819-2021) decided on 07.04.2022, the co-accused has already been granted bail by this court on the same grounds.

It is not the case of the State that in case the petitioner is released on bail then he may abscond or he may tamper any evidence or he may flee from justice or he may influence any witness.

Therefore, considering the facts and circumstances of the case, this Court deems it appropriate to grant bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is granted regular bail on furnishing adequate bail/surety bonds to the satisfaction of the learned trial court/CJM/Duty Magistrate, concerned.

It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

16.05.2022

V. Vishal

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>