

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

208

CRM-M-22665-2021

Date of Decision: 29th March, 2022

SAURAV ARORA ALIAS VARAITY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. H.S. Thiara, Advocate,
for the petitioner.

Ms. A.K. Khurana, DAG, Punjab.

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VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.271 dated 15.09.2020 under Sections 323, 324, 307, 452, 34 registered at Police Station Division No.8, Jalandhar, District Jalandhar.

The matter had been taken up for hearing before this Court on 10.11.2021, wherein the following order was passed:

“The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.271 dated 15.09.2020 registered under Sections 323, 324, 307, 452 and 34 IPC at Police Station Division No.8, Jalandhar, District Jalandhar.

The petitioner and his co-accused are being prosecuted for having inflicted nine injuries on Amarjit Singh, Amardeep Singh and Hardeep Singh.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; he is in

custody since 28.01.2021; even if the case of the prosecution is taken as a gospel truth, though vehemently denied, only simple injuries are attributed to the petitioner; there is no opinion of the doctor with regard to any of the injuries being dangerous to life; investigation in the case is complete and therefore neither is the petitioner needed for investigation purposes nor is he in a position to influence the same; no further recovery is required to be made from the petitioner and that since the petitioner's trial has not yet started the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is involved in three other cases under the Excise Act and that he and his co-accused cumulatively caused as many as nine injuries on the complainant party.

On one hand the petitioner has been in custody for the last over ten months; till date even charges have not been framed; investigation in this case is complete and the petitioner is attributed only simple injuries and on the other hand the petitioner and his co-accused have cumulatively inflicted nine injuries on three persons of the complainant party and that the petitioner is an accused in three other cases under the Excise Act.

After considering the totality of the above facts, while adjourning the present petition to 14.02.2022, it is considered just and appropriate to direct that subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar the petitioner be released on interim bail till 09.02.2022.

It is clarified that on the adjourned date, subject to the petitioner's surrender, further orders in the present petition would be passed on its merits after considering the conduct of the petitioner and progress in his trial.”

Today on resuming of the hearing, learned counsel appearing on behalf of the petitioner submits that in compliance of the said order, the petitioner was earlier granted interim bail. He was, thereafter, directed to

surrender before the jail authorities vide order dated 15.02.2022. Learned counsel for the petitioner has referred to the order dated 25.03.2022 passed by the Addl. Sessions Judge-VIII, Jalandhar to contend that in compliance thereto, the petitioner has surrendered before the Court and has been sent to judicial custody.

It is argued by the learned counsel that the status of the trial remains at the same stage as was noticed by this Court in its order dated 10.11.2021 and that there is no medical record to suggest that the injuries sustained by the victim were in the nature as would endanger life of the victim. As a matter of fact, the said injuries were simple.

Ms. A.K. Khurana, DAG, Punjab does not dispute the said fact. She has made a reference to the number of injuries that were caused and extracted in para no.5 of the reply filed by the State. It is, however, not disputed by her that the injuries in question were allegedly determined as simple injuries.

Considering the totality of the circumstances and taking into consideration the fact that the petitioner was taken into custody on 28.01.2021 and had been in custody for a period of nearly 10 month when the concessions of interim bail was granted and has been in custody since 25.03.2022, when he surrendered again, the stage of trial as also the nature of injuries attributed to the petitioner and sustained by the victim, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

29.03.2022.
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Whether speaking/reasoned : **Yes/No**

Whether reportable : **Yes/No**