

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(271)

CRM-M-22687-2022

Date of decision: - 22.08.2022

Manav @ Gandhi

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. H.S. Oberoi, Advocate, for the petitioner.

Mr. M.S. Bajwa, DAG, 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.218 dated 14.05.2021, under Sections 307, 323, 324, 341, 148 and 149 IPC, registered at Police Station Kotwali, District Patiala.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 10.12.2021 and there are total 15 prosecution witnesses, out of whom, only one has been examined, thus, the trial is likely to take time. It is submitted that the petitioner is neither stated to be armed with any weapon nor any specific role has been attributed to him and the only role attributed to the petitioner is that he was holding the husband of the complainant while other persons inflicted injuries on him.

Learned State counsel, on the other hand, has opposed the

present petition for regular bail and has submitted that in the present case, 12 injuries have been caused to the husband of the complainant including a stab wound injury. It is further submitted that the petitioner is also involved in another case. The other factual aspects, however, have not been disputed by learned State counsel.

Learned counsel for the petitioner, in rebuttal, 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 gone through the paper-book.

In the present case, the petitioner has been in custody since 10.12.2021 and there are total 15 prosecution witnesses, out of whom, only one has been examined, thus, the trial is likely to take time. The petitioner is not alleged to have been armed with any weapon nor has given any injury to the husband of the complainant and the only

allegation levelled against the petitioner was that he had caught a hold of the husband of the complainant while the other persons inflicted injuries on him.

Keeping in view the above-said facts and circumstances as well as the law laid down in **Maulana Mohd. Amir Rashadi's case (supra)**, the present petition is allowed and the petitioner is directed to be released on regular 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. The petitioner shall also abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize / intimidate the prosecution witness(s).
3. The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
4. The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
5. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

In case of breach of any of the above conditions, the

prosecution shall be at liberty to move an application for cancellation of bail before this Court.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

August 22, 2022
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No