

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

223

**CRM-M-32670-2022
Date of decision: 02.08.2022**

SARABJOT SINGH @ RAJA BAJAJ

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

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

Present : Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.0084 dated 05.06.2021 registered under Sections 307, 323, 148, 149 and 506 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Division No.7, Ludhiana.

2. As per the prosecution case, the present case was registered at the instance of Major Singh on the averments that on 03.06.2021, he was eating momos in the street outside his house. At about 8:30 PM, two motorcycles came from the side of temple street. Arun Sharma, Vishal alias Vishu Thatha, Money Lawrance alias Money, Raja Bajaj (petitioner herein), Karan Walia and Himanshu Verma alias Mani stopped the motorcycles and came near him. Money Lawrance. alias Mani Singh showed him pistol like article. All the

accused raised lalkara that Major Singh should not be spared. When he ran away in order to save himself, Karan Walia and Himanshu Verma alias Mani caught hold his arms. Vishal alias Vishu Thatha gave sword blow with an intention to kill which hit on the left side of his head. Blood started oozing. He again tried to run away at which Money Lawrance alias Money Singh gave sword blow towards his head. He raised his left hand to save himself and the same hit on his fingers. Raja Bajaj (petitioner) and Money Lawrance alias Mani Singh gave sword blows towards his head which hit on his right hand. He fell down. Arun Sharma gave danda/stick blow on the left side of his waist and other body parts. With these allegations, the present case under Section 307, 323, 148, 149, 506 IPC was registered. In due course the applicant was arrested.

3. Learned counsel appearing on behalf of the petitioner contends that the petitioner is stated to have caused an injury on the right hand of the complainant-victim. He contends that as per the medical opinion the injury has been stated to be simple in nature. He further points out that the petitioner is in custody since 25.07.2021 and has already undergone an actual custody of 01 year and 07 days. The trial has yet not commenced and charge had been framed only on 30.07.2022. He submits that further custodial detention of the petitioner is not likely to advance any interest of justice.

4. Learned counsel appearing on behalf of respondent-State of Punjab contends that the petitioner has criminal antecedents and is involved in 05 other cases.

5. Controverting the aforesaid submissions, learned counsel

has placed reliance upon the cases that had been registered against him and their status which is extracted as under :-

Sr.No.	Particulars	Status
1	FIR No. 106 dated 05.06.2021 u/s 307, 326, 325, 324, 323, 148, 149 IPC P.S. Tibba, Ludhiana	Under Trial
2	FIR No. 133 dated 04.06.2021 u/s 336, 148, 149, 120-B, 188 IPC and 25, 54, 59 Arms Act P.S. Moti Nagar, Ludhiana	On Bail
3	FIR No. 146 dated 02.05.2021 u/s 25, 54, 59 Arms Act P.S. Division No.3, Ludhiana	On Bail
4	FIR No. 166 dated 05.06.2021 u/s 307, 148, 149, 506, 120B, 411 IPC P.S. Division No.3, Ludhiana	On Bail
5	FIR No. 199 dated 18.06.2021 u/s 25, 54, 59 Arms Act P.S. Hauz Khas, South Delhi.	On Bail

6. It is contended that all the aforesaid FIRs were registered around the same date i.e. 05.06.2021 , when the present FIR was registered and that he is already on bail in 04 out of the 05 cases which are registered against him.

7. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their able assistance.

8. Without examining the merits of the instant case and

taking into consideration the age of the petitioner, the actual custody already undergone by him, the stage of trial as well as the fact that the petitioner is already on bail in 04 of the said 05 cases which were registered closely to the registration of the present FIR, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

9. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

10. 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.

11. 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.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 02, 2022
vishal sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No