

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

CRM-M-36904-2021

Date of Decision: 12.09.2022

Sandeep Singh @ Lota

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Randeep S. Dhull, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 24, dated 07.02.2015, under Sections 307/201/34 of the Indian Penal Code, 1860 and Sections 25/54/59 of the Arms Act, registered at Police Station Lalru, District SAS Nagar.

Learned counsel for the petitioner has submitted that is in custody from 26.07.2016 (06 years, 01 month and 17 days) and out of 27 witnesses, 13 witnesses are yet to be examined and thus, the trial is likely to take time. It is further submitted that in the present case the only role attributed to the petitioner is of allegedly raising '*Lalkara*' along with co-accused Shamsheer alias Monu and no injury has been attributed to the petitioner.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner is involved in many number of cases and is a hardened criminal and thus, he

does not deserve the concession of regular bail. It is further submitted that a pistol and 2 live cartridges have been recovered from the present petitioner.

Learned counsel for the petitioner in rebuttal has submitted that as per settled law, it is the facts of the present case which are required to be considered for the purpose of deciding the present bail application. For the said proposition, learned counsel for the petitioner has relied judgment passed by the Hon'ble Supreme Court titled as **Maulana Mohd. Amir Rashadi Vs. State of U.P. and others** reported as 2012 (2) SCC 382 and reference has been made to the relevant portion of paragraph 6 which 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 perused the paper book.

This petitioner is in custody since from 26.07.2016 (06 years, 01 month and 17 days) and the investigation is complete and there are 27 witnesses, out of which, 13 witnesses are yet to be examined and thus, the trial is likely to take time. The petitioner has not been attributed any injury but has been attributed raising '*Lalkara*' along with the co-accused.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on

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 and also subject to the petitioner giving an undertaking to the trial Court that he would appear before the trial Court on each and every date unless his personal appearance is specifically exempted by the Court.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

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

September 12, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No