

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(228 + 110)

CRM-M-33473-2022 (O&M)

Date of decision: - 25.08.2022

Harjit Singh @ Baba

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Tarun Deep Kumar, Advocate,
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

CRM-29992-2022

Present application has been filed under Section 482 Cr.P.C.
for placing on record true translated copy of documents as Annexures A-1
and A-2.

Application is allowed, as prayed for. The documents
(Annexures A-1 and A-2), are taken on record, subject to all just
exceptions.

CRM-M-33473-2022

This is the third petition under Section 439 Cr.P.C. for grant
of regular bail to the petitioner in FIR No.14 dated 23.02.2021, under
Sections 307, 325, 323, 500, 341, 148 and 149 of the Indian Penal Code,

1860 and Sections 25 and 27 of the Arms Act, registered at Police Station Hathur, District Ludhiana.

Learned counsel for the petitioner has submitted that the first bail application filed by the petitioner was withdrawn on 02.02.2022 at that stage and thereafter, the second bail application was withdrawn on 14.07.2022 with liberty to file a fresh petition after giving all the details and annexing all the relevant documents and thus, in fact the present petition is the second regular bail petition. It is further submitted that the petitioner has been in custody since 10.05.2021 and there are total 18 prosecution witnesses, out of whom, none have been examined and thus, the trial is likely to take time. It is further submitted that only one injury has been attributed to the present petitioner, which has been declared to be simple in nature.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that the injury attributed to the present petitioner on the complainant is on a vital part of the body, although, the same has been declared to be simple in nature. It is further submitted that the petitioner is involved in several other cases.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner is on bail in the said cases and 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.

The petitioner has been in custody since 10.05.2021 and there are total 18 prosecution witnesses, out of whom, none have been examined and thus, the trial is likely to take time. The petitioner has been attributed one injury on the head of the complainant, which has been declared to be simple in nature. Since the present regular bail is effectually the second bail petition and the earlier bail application was withdrawn on 02.02.2022 and thereafter, sufficient period has gone lapsed, thus, the petitioner is entitled to file the present petition for regular bail on the basis of custody and the aforesaid factors.

Keeping in view the above said facts and circumstances as well as in view of the law laid down in **Maulana Mohd. Amir Rashadi's case (supra)**, 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.

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.

August 25, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No