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

CRM-M-33950-2022

Date of decision : 15.09.2022

Gurmanjot Singh @ Tur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Kumar Walia, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.14 dated 23.02.2021 registered under Sections 307, 325, 323, 500, 506, 341, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act (No.54) of 1959 registered at Police Station Hathur, District Ludhiana Rural.

Learned counsel for the petitioner has 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 conclusion of trial is likely to take time. It is further submitted that the present complainant has been declared as proclaimed offender in FIR No.191/2016 registered under Sections 399 and 402 of IPC and Sections 25

& 27 of the Arms Act, 1959 at Police Station Jagraon, District Ludhiana and thus, the chances of recording of his evidence in the near future are very less and that the said complainant is involved in six other cases. It is contended that the petitioner has been attributed one injury on the head of the complainant which was declared as grievous in nature but the complainant is absolutely fine. It is further contended that there is only one injured in the present case.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that the injury attributed to the present petitioner was inflicted on the vital part of the body of the complainant and the same would attract Section 325 of IPC and since, there were other injuries caused to the complainant which were also grievous in nature, thus, Section 307 of IPC was added in the present case on the said account. It is further contended that the petitioner is involved in several other cases also.

Learned counsel for the petitioner, in rebuttal to the abovesaid arguments, 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 conclusion of trial is likely to take time. It is not in dispute that the complainant, in the present case, has been declared as proclaimed offender in FIR No.191/2016 registered under Sections 399 and 402 of IPC and Sections 25 & 27 of the Arms Act, 1959 at Police Station Jagraon, District Ludhiana and is also involved in other cases also and thus, the likelihood of recording of his evidence in the near future is very bleak. Although, the petitioner has been attributed a grievous injury inflicted on the head of the complainant, but it has been stated that the complainant is now fine. The co-accused of the petitioner namely Harjit Singh @ Baba and Gurtej Singh @ Ramna have already been granted the concession of regular bail by this Court.

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.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

15.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No