

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(234)

CRM-M-39431-2022

Date of decision: - 06.09.2022

Akashdeep Singh alias Khushi

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Parminder Singh-I, Advocate,
for the petitioner.

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

Mr. Nirmaljeet Singh Sidhu, Advocate,
for the complainant.

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.75 dated 08.11.2021, under Sections 302, 307, 364, 323, 324, 325, 326, 379-B, 148 and 149 IPC, registered at Police Station Baliwanwali, District Bathinda.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 22.11.2021 and the investigation in the case is complete and the challan has been presented and there are 32 witnesses, none of whom have been examined, thus, the trial is likely to take time. It is stated that the petitioner was not named in the FIR and as many as 12

persons had been specifically named therein. It is further submitted that the petitioner was introduced as an accused on 21.11.2021 on the disclosure statement of Gurpal Singh and even as per the said disclosure statement, no specific overt act had been attributed to the petitioner. It is also submitted that co-accused of the petitioner, namely, Ranjit Singh alias Sapp has already granted the concession of regular bail by this Court, vide order dated 31.08.2022 passed in CRM-M-36772-2022 and the case of the petitioner is on a similar footing as that of the said Ranjit Singh @ Sapp.

Learned State counsel and learned counsel for the complainant on the other hand have opposed the present petition for regular bail and have submitted that as per the case of the prosecution, the petitioner had gone to the spot after the fight and the same shows that he had also participated in the commission of the offence due to which one person has died and 03 persons have been injured. It is also submitted that the petitioner is involved in one more case. The other aspects however, have not been disputed.

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 have perused the material on record.

The petitioner is in custody since 22.11.2021 and there are 32 witnesses, none of whom, have been examined thus, the trial is likely to take time. The present petitioner was introduced as an accused on 21.11.2021 i.e., after a delay of 13 days from the registration of the FIR on the basis of the disclosure statement of co-accused Gurpal Singh and as per the said statement, no specific injury/role has been attributed to the present petitioner. The petitioner has not been attributed any specific injury suffered by the deceased or any of the injured persons. Moreover, co-accused of the petitioner, namely, Ranjit Singh alias Sapp has already granted the concession of regular bail by this Court, vide order dated 31.08.2022 passed in CRM-M-36772-2022 and the case of the petitioner is on a similar footing as that of the said Ranjit Singh @ Sapp.

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 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.

September 06, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No