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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41265-2022

Date of Decision: 29.11.2022

Jaimal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Devansh Khanna, Advocate for
Mr. Vaibhav Narang, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. R.S.Rai, Senior Advocate with
Mr. Rahul Bhargava, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure for seeking grant of regular bail in cross case registered vide DDR No.17 dated 27.03.2022 under Sections 307, 506, 148, 149 IPC, 1860 and 25, 27 Arms Act, registered at Police Station Ranjit Avenue, District Police Commissionerate, Amritsar, arising out of FIR No.50, dated 27.3.2022, under Sections 325, 323, 160, 427, 148, 149, 506, 336 IPC (Section 307 IPC and Sections 25, 27 of Arms Act have been added and Section 336 IPC deleted later on).

Learned counsel for the petitioner has submitted that the petitioner is in custody from 28th of March, 2022 which is about 8 months and qua the petitioner investigation has already been completed and challan has been presented. He has further submitted that it is a case where fight had taken

place between two parties and so far as the role of the present petitioner is concerned, he was only a security guard of the complainant along with other security guard namely Hardev Singh. He submitted that the petitioner being security guard was also holding a licensed weapon and since the incident had taken place near the house belonging to the complainant, it was a case where the other party was the aggressor party and not the petitioner and even otherwise also as to who was the aggressor party and who acted in defence can be seen at the time of trial and the trial of the case will take long time and now no recovery is to be effected from the petitioner and since he has already faced the incarceration of more than 8 months, he may be considered for grant of regular bail.

Learned senior counsel appearing on behalf of the complainant opposed the instant petition for grant of regular bail and submitted that the petitioner was a security guard and holding a weapon.

Learned State counsel has also submitted that the petitioner is not a habitual offender and is not involved in any other case and qua him challan already stands presented.

I have heard the learned counsels for the parties.

The petitioner has faced incarceration of more than 8 months and he is not a habitual offender. No recovery is to be effected from the petitioner and it is yet to be determined at the time of trial as to who was the aggressor party. Furthermore, it is not the case of State counsel that in case, he is released on bail then he may abscond or tamper with the evidence and influence the witnesses. Trial of the case may take long time.

In view of the aforesaid facts and circumstances of the case and particularly in view of the fact that the petitioner has faced incarceration for more than 8 months and he is not a habitual offender, therefore, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on bail subject to the appropriate terms and conditions to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

29.11.2022

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(JASGURPREET SINGH PURI)

JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |