

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

**CRM-M-40978-2022**

**Date of Decision: 13.09.2022**

**Gurmeet Singh @ Meeta**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Saurav Bhatia, Advocate,  
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.

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**VIKAS BAHL, J. (Oral)**

1. This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 177, dated 11.12.2021, under Sections 341/323/324/325/307/148/149 of the Indian Penal Code, 1860, (Sections 326 of the IPC was added later and Sections 148 and 149 of the IPC were deleted later on), and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Bareta, District Mansa.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody since 04.03.2022 and the investigation is complete and the '*challan*' has been presented and there are 36 witnesses, none of whom have been examined and thus, the trial is likely to take time. It is further submitted that as per the FIR, three persons were specifically named and it had further been alleged that there were three unknown persons also. It is further submitted that out of the three persons who have been specifically named, i.e., Zora Singh and Harmesh Chand, have not

been challaned, although the injury attracting offence under Section 326 of the IPC has been attributed to Zora Singh. It is further submitted that that the unidentified persons were stated to be armed with sticks and baseball bats. It is submitted that the petitioner has been implicated in the present case on 23.02.2022 i.e., after a delay of more than 02 months from the date of the alleged incident and has been implicated on the basis of the statement made by him before one Nayab Singh and that there is no recovery effected from the petitioner. It is further submitted that there is no injury declared to be dangerous to life in the present case.

3. Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner is involved in several other cases and thus, is a habitual offender and it is during the interrogation of another FIR bearing No. 43 that the present petitioner had disclosed that he had participated in the present case also, in addition to the statement made by the petitioner before Nayab Singh.

4. 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.”*

5. This court has heard learned counsel for the parties and has perused the paper book.

6. The petitioner is in custody since 04.03.2022 and the investigation is complete and the challan has been presented and there are 36 witnesses, none of whom have been examined and thus, the trial is likely to take time. The petitioner was not named in the FIR and there were three persons who were specifically named in the FIR and two of the said persons, i.e. Zora Singh and Harnek Chand have not been challaned, even though specific injury has been attributed to them. The petitioner has been implicated in the present case on 23.02.2022 i.e., after a delay of more than 02 months from the date of registration of the FIR and the petitioner has been implicated on the basis of his disclosure statement suffered in another FIR bearing No. 43, dated 03.02.2022 and also on account of the fact that the petitioner had made a confession before one Nayab Singh. No recovery has been effected from the petitioner. There is no injury which has been stated to be declared to be dangerous to life in the present case.

7. 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.

8. 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 13, 2022  
nitin

(VIKAS BAHL)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |