

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(214)

CRM-M-43433-2022

Date of decision: - 23.09.2022

Abu @ Harjit Saini

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. S.K. Choudhary, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

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.50 dated 19.05.2022, registered under Sections 436 and 120-B IPC, at Police Station Shahpurkandi, District Pathankot.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 30.05.2022 and the investigation is complete and the challan has been presented and there are 19 witnesses, none of whom have been examined and thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is also submitted that as per the complainant, he had not seen the persons who had burned down his shop and it is on the basis of suspicion, the present petitioner had been named and the primary cause

for the suspicion was that the petitioner was an employee in the shop of co-accused Rajat Kumar with whom, the complainant had an old dispute and it was on his asking that the petitioner had lit the shop on fire. It is also stated that said co-accused Rajat Kumar has already been granted the concession of anticipatory bail by this Court, vide order dated 17.08.2022, passed in CRM-M-26049-2022.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that as per the FIR, after the shop of the complainant caught on fire, the complainant had seen two persons behind the shop, who started running after the complainant had approached them and one of the boys was the present petitioner. Learned State counsel has placed on record the custody certificate, as per which, the custody as stated by learned counsel for the petitioner, stands reaffirmed.

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

The petitioner has been in custody since 30.05.2022 and the investigation is complete and the challan has been presented and there are 19 witnesses, none of whom have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. As per the FIR, the complainant had arrived at the spot after the shop had been burned down and thus, the question as to whether the complainant was an eye witness of the incident or not, would be a moot point, which would be decided during the course of the trial. It is the case of the complainant that the present petitioner was an employee of the co-

accused Rajat Kumar and on his asking, the petitioner lit the complainant's shop on fire and the said co-accused Rajat Kumar has already been granted the concession of anticipatory bail by this Court, vide order dated 17.08.2022, passed in CRM-M-26049-2022.

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.

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 23, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No