

224

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

\*\*\*\*

**CRM-M-45028-2022**

**Date of Decision: 10.10.2022**

Harish Kumar alias Harish Chander alias Sonu

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Inderjit Sharma, Advocate,  
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

\*\*\*\*

**JASGURPREET SINGH PURI, J. (ORAL)**

This is the third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.0032 dated 04.03.2022, under Sections 452, 323, 295, 427, 148 & 149 IPC (later on added Sections 307 & 325 IPC through G.D. No.38 dated 27.03.2022), registered at Police Station Dinanagar, District Gurdaspur.

It has been submitted by learned counsel for the petitioner that he had filed the first bail petition, which was dismissed as withdrawn on 15.07.2022 vide Annexure P-14 in view of the fact that at that point of time, the charges were not framed and therefore, he had withdrawn the first bail petition and thereafter, he filed the second bail petition which was dismissed on 01.09.2022 vide Annexure P-15 on the ground that there was no change of circumstances.

Learned counsel for the petitioner has submitted that now the

third successive bail petition is maintainable in view of the fact that there is a change of circumstance because of two reasons. Firstly, on 05.09.2022, the charges have been framed by the trial Court and secondly, the other co-accused, namely, Subhash Chander @ Toni, who is at parity with the petitioner, has been granted bail by this Court vide Annexure P-8. He also submitted that the petitioner is in custody since 12.05.2022 and the investigation of the case has already been completed and now the charges have also been framed and no recovery is to be effected from the petitioner. He further submitted that the petitioner is not a habitual offender and is not involved in any other case and since the trial of the case may take long time, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has stated that it is correct that the petitioner is in custody since 12.05.2022 and now the charges have been framed by the trial Court on 05.09.2022. He further submitted that it is also correct that the other co-accused, namely, Subhash Chander @ Toni has been granted regular bail by this Court vide Annexure P-8. He also submitted that the petitioner is not involved in any other case and has got clean antecedents and no recovery is to be effected from him.

I have heard the learned counsel for the parties.

It is a case where the petitioner has faced incarceration for almost 5 months and this is the third bail petition filed by the petitioner. The learned counsel for the petitioner has explained that after the second bail petition was dismissed on the ground that there was no change of circumstance, but now the charges have been framed on 05.09.2022 and

apart from the same, the other co-accused, who is stated to be at parity with the present petitioner has also been granted bail by this Court vide Annexure P-8. Therefore, this Court is of the view that the present successive bail petition is certainly maintainable. It has been stated by the learned counsel for the parties that the petitioner is not a habitual offender and is not involved in any other case and no recovery is to be effected from him. As per the learned counsel for the parties, the other co-accused, who is stated to be at parity with the present petitioner has already been granted bail by this Court vide Annexure P-8. Furthermore, it is not the case of the learned State Counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness. Therefore, in view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

**10.10.2022***Bhumika***(JASGURPREET SINGH PURI)  
JUDGE**

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