

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(218)

CRM-M-44778-2022

Date of decision: - 30.09.2022

Prince Ahuja @ Jharni @ Prince Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Parvesh Sachdeva, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, 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.98 dated 25.05.2022, registered under Sections 307, 506, 148 and 149 IPC and Section 25 of the Arms Act, at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 31.07.2022 and the investigation is complete and the challan has been presented and there are 15 witnesses, none of whom have been examined and thus, the trial is likely to take time. It is further submitted that although the petitioner has been named in the FIR, but no injury has been attributed to the petitioner. It is also submitted that co-accused of the petitioner, namely, Mukhtiar Singh @ Mukhi @ Mukhthiar Singh, to whom an injury has been attributed, has

already been granted an interim anticipatory bail as the matter has been compromised by him with the complainant. It is stated that another co-accused, namely, Raman Singh who had fired two shots, although no injury had been caused to any person on the said account, has also been granted the concession of regular bail, vide order dated 12.09.2022, passed by this Court in CRM-M-40727-2022.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that the petitioner is involved in two other cases.

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 has perused the paper book.

The petitioner has been in custody since 31.07.2022 and the

investigation is complete and the challan has been presented and there are 15 witnesses, none of whom have been examined and thus, the trial is likely to take time. The petitioner is not attributed any injury. Moreover, co-accused of the petitioner, namely, Raman Singh, who had fired two shots, although no injury had been caused to any person on the said account, has also been granted the concession of regular bail, vide order dated 12.09.2022, passed by this Court in CRM-M-40727-2022.

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 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No