

220

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

CRM-M-47074-2022

Date of decision : 18.11.2022

Manmohan Singh @ Mohna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.60 dated 17.02.2022 registered under Sections 307, 324, 323, 341, 427, 506, 148 and 149 of Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 (added later on) at Police Station City Budhlana, District Mansa.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 23.03.2022 and investigation is complete and challan has been presented and there are 36 prosecution witnesses, out of which, none have been examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that the petitioner has been attributed one injury with an axe on the right leg of Darshan Singh which

injury attracts offence under Section 325 of IPC. It is contended that in the present case, no injury has been suffered by any person which has been declared to be dangerous to life.

On the other hand, learned State Counsel, has opposed the present petition for grant of regular bail to the petitioner and has submitted that the petitioner is involved in other cases also and is a habitual offender. However, other facts as stated by the learned counsel for the petitioner have not been disputed by him.

Learned counsel for the petitioner, in rebuttal to the abovesaid argument, 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 and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. 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.

In the present case, the petitioner is in custody since 23.03.2022 and investigation is complete and challan has been presented and out of 36

prosecution witnesses, none have been examined as yet and thus, the conclusion of trial is likely to take time. No injury caused to the injured has been declared to be dangerous to life. The petitioner has been attributed one injury with an axe on the right leg of Darshan Singh which attracts offence under Section 325 of IPC.

Keeping in view the abovesaid facts and circumstances as well as 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 regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, 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 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 an 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 application.

18.11.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**