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

CRM-M-47902-2022 (O&M)

Date of decision : 30.11.2022

Karan Kumar @ Varun

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vipin Kumar, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.66 dated 12.04.2022 registered under Sections 307, 341, 323, 427, 506, 148, 149 of Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Tibba, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 23.06.2022 and investigation is complete and challan has been presented and there are 20 prosecution witnesses, out of which, none have been examined and thus, the conclusion of the trial is likely to take time. It is further submitted that the petitioner has not been named in the FIR and has been implicated on the basis of disclosure statement of co-accused and even as per the said statement, no specific injury has been attributed to the present petitioner.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that in the present case, the co-accused Chetan and Pankaj were having pistol in their hand and the present petitioner has been implicated on the basis of disclosure statement of co-accused and the recovery of iron daatar has been effected from the present petitioner. It is further submitted that the petitioner is involved in one more case.

Learned counsel for the petitioner, in rebuttal to the said argument, has submitted that the petitioner is on bail in the abovesaid case and 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.

Keeping in view the abovesaid facts and circumstances as well as law laid down in **Maulana Mohd. Amir Rashadi's** case (Supra) more so,

the facts that in the present case, the petitioner is in custody since 23.06.2022 and investigation is complete and challan has been presented and out of 20 prosecution witnesses, none have been examined and thus, the conclusion of the trial is likely to take time and the fact that the petitioner was not named in the FIR and was implicated on the basis of disclosure statement of co-accused and as per the same also, no specific attribution of injury to any person has been made, 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.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

30.11.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**