

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

230

CRM-M-48536 of 2022
Date of Decision:01.12.2022

Ramesh Kumar @ Tinka

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Naveen Batra, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.06 dated 23.01.2022, under Sections 323, 342, 506, 148, 149 IPC (Section 365 IPC added later on), registered at Police Station Nangal, District Rupnagar.

It has been submitted by the learned counsel for the petitioner that the petitioner has faced incarceration from 07.08.2022 and the police has already completed the investigation and thereafter report under Section 173 of the Code of Criminal Procedure has been presented to the competent Court on 04.10.2022. He

submitted that earlier he had filed a petition for grant of bail but the same was dismissed as withdrawn vide Annexure P-1 on 22.09.2022. He submitted that thereafter there had been a change of circumstance since now the investigation has been completed and the challan has already been presented. He submitted that even otherwise also the alleged injuries to the injured in the present case have been declared as simple and the trial of the case may take long time and therefore he may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has stated, on instructions from ASI Surjeet Singh who is present in the Court, that it is correct that the petitioner is in custody from 07.08.2022. Now the police has completed the investigation in the present case after the withdrawal of the earlier petition and the challan stands presented on 04.10.2022. He has also submitted that all the injuries suffered by the injured have been declared as simple. He however submitted that the petitioner is involved in one more case under Sections 323, 452, 294, 506, 427, 201, 148 and 149 IPC at Police Station Nangal.

Learned counsel appearing on behalf of the complainant has opposed the grant of regular bail to the petitioner on the ground that there are serious allegations against the petitioner whereby he caused injuries upon the complainant.

I have heard the learned counsel for the parties.

The petitioner is stated to be in custody from 07.08.2022 and after the withdrawal of the earlier bail petition now as per the learned counsel for the parties, the challan has been presented before the competent Court on 04.10.2022, therefore the present successive bail petition would be maintainable. It is not in dispute that the police has already completed the investigation and it has been so

stated by the learned State counsel after taking the instructions from ASI Surjit Singh who is present in Court that all the injuries were declared as simple in nature. The mere pendency of the other FIR against the petitioner cannot become a bar for the grant of regular bail to the petitioner in view of the aforesaid facts and circumstances. Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or he may influence any witness.

In view of the aforesaid facts and circumstances, the present petition is allowed. The petitioner shall be released on regular bail if not required in any other case subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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.

(JASGURPREET SINGH PURI)
JUDGE

December 01, 2022

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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No