

218

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

CRM-M-54584-2022

Date of decision : 01.12.2022

Pankaj Sharma

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Jitender Singh Dadwal, Advocate for the petitioner.

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

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**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 25/27/54 of the Arms Act, 1959 (Section 13 of the Unlawful Activities (Prevention) Act, 1967 has been added later on) at Police Station Tibba, Ludhiana.

Learned counsel for the petitioner has submitted that in the present case, the petitioner is in custody since 17.04.2022 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 trial is likely to take time. It is further submitted that as per the

allegations levelled in the FIR, the petitioner has been attributed one injury, although the same is a gunshot injury to Parminder Singh upon his right shoulder and the said injury has been declared to be simple in nature. It is contended that the co-accused of the petitioner namely Deepak and Arman Singh have already been granted the concession of regular bail by this Court. It is further contended that the petitioner in order to show his bona fide, is ready to deposit an amount of Rs.20,000/- with the trial Court within a period of two weeks from today, on account of medical expenses incurred by Parminder Singh-injured without admitting his liability and he has no objection, in case the said amount is released in favour of the said Parminder Singh-injured.

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 one more case and recovery of pistol has also been effected from 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.

Keeping in view the abovesaid facts and circumstances more so, the facts that in the present case, the petitioner is in custody since 17.04.2022 and investigation is complete and challan has been presented and out of 20 prosecution witnesses, none have been examined and thus, the conclusion of trial is likely to take time and the fact that as per the allegations levelled in the FIR, the petitioner has been attributed one injury on the right shoulder of Parminder Singh which has been declared to be simple in nature and the fact that recovery has already been effected from the present petitioner and also in view of 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. The same would however, be subject to depositing of an amount of Rs.20,000/- with the trial Court within a period of two weeks from today which would be released to Parminder Singh-injured by the trial Court.

The payment of the amount of Rs.20,000/- would not be construed as an admission of guilt by the petitioner.

It is made clear that in case, the said amount is not deposited by the petitioner within a period of two weeks from today, the present petition

for grant of regular bail to the petitioner would be deemed to have been dismissed.

It is further 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.

**01.12.2022**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**