

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54248-2022

Date of decision : 30.11.2022

Parminder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Sukhpreet Kaur Grewal, Advocate
for the petitioner.

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

VIKAS BAHL, J.(ORAL)

This is a third petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.229 dated 05.10.2018 registered under Sections 307, 34, 120-B IPC and Sections 25, 27, 54, 59 of the Arms Act at Police Station Sadar Ludhiana.

Learned counsel for the petitioner has submitted that as per the custody certificate, the petitioner has already undergone 1 year 3 months and 13 days of actual custody and the investigation is complete and the challan has already been presented and there are 27 witnesses, out of which, one has been examined and thus, the trial is likely to take time. It is further submitted that no recovery has been effected from the present petitioner although as per the allegations in the FIR, injury attracting Section 307 IPC has been attributed to the present petitioner and co-accused Harpreet Singh @ Lalli who has been granted anticipatory bail by a coordinate Bench of

(Annexure P-5) as it was a submission made by the counsel appearing for said Manpreet therein that he was in Dubai at the time of the occurrence. It is stated that said fact would show that the version given in the FIR is not the correct version. It is further stated that the first bail application of the petitioner was withdrawn on 12.10.2020 and the second bail application which was filed by the present petitioner was a petition for extension of interim regular bail which had been granted to the petitioner and the same was withdrawn on 14.11.2022 with liberty to file a petition for regular bail and in pursuance of the same, the present petition for grant of regular bail has been filed. The petitioner has not misused the concession of interim bail granted to him.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that on account of the injuries suffered in the incident, the eye of the complainant got damaged and he has an artificial eye although at present he is fine. It is further submitted that the petitioner is involved in one more case and the petitioner is the main accused in the present case.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner has been acquitted in the said case.

Keeping in view the above said facts and circumstances moreso, the fact that as per the custody certificate, the petitioner has already undergone 1 year 3 months and 13 days of actual custody and the investigation is complete and that the challan has already been presented and there are 27 witnesses, out of which, one has been examined and thus, the trial is likely to take time and that the petitioner during the time when he was released on interim bail, had not misused the concession of bail and

nothing has been recovered from the present petitioner and also the fact that co-accused Harpreet Singh @ Lalli, who has also been attributed a specific role as per the FIR, has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 17.03.2021 passed in CRM-M-1889-2021 (Annexure P-5) on the ground that he was in Dubai at the time of alleged occurrence, 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.

(VIKAS BAHL)
JUDGE

November 30, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No