

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

230

CRM-M-55840-2022

Date of decision :07.12.2022

Navdeep Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Saurabh Arora, Advocate for the petitioner.

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

Mr.Rahul Bansal, Advocate for respondent No.2-Complainant

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 107 dated 27.03.2022 registered under Sections 307, 324, 323 and 506 IPC at Police Station B-Division, Amritsar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 15.05.2022 and the challan has already been presented and there are 17 prosecution witnesses, out of which, none have been examined as yet and thus, the conclusion of the trial is likely to take time. It is further submitted that the petitioner and the complainant are husband and wife and the matter has been compromised between them on 16.09.2022 and as per the said compromise, the petitioner and the complainant have decided to live separately and filed a petition under Section 13-B of the Hindu Marriage Act for divorce, thus, no purpose

would be served by keeping the petitioner in further incarceration.

Learned counsel for the complainant has submitted that the matter has been compromised and he has no objection in case, the present petition is allowed and the petitioner is granted the concession of regular bail.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner has given injuries to his wife as well as her parents and is also involved in other cases.

Learned counsel for the petitioner, in rebuttal, 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 while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. 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 above said facts and circumstances, moreso the fact that the petitioner has been in custody since 15.05.2022 and the challan has already been presented and out of 17 prosecution witnesses, none have been examined as yet and thus, conclusion of trial is likely to

take time and the fact that the petitioner and the complainant are husband and wife and the matter has been compromised between them, 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

December 07, 2022
Rajeev (rvs)

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No