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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-1239-2023
DECIDED ON: 20th MARCH, 2023

RAMANDEEP SINGH @ RAMMI

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

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SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, 1973 has been invoked for grant of regular bail to the petitioner in case FIR No. 112, dated 22.06.2013, under Sections 307, 468, 420, 471, 353 and 186 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Lalru, District SAS Nagar.

Learned counsel for the petitioner has contended that no injury has been attributed to the present petitioner. He further submits that the petitioner was declared as proclaimed offender vide orders dated 25.02.2015 and 01.07.2015. He was arrested on 09.12.2021 and thereafter supplementary challan stands presented on 14.12.2021. It is asserted that in the present FIR the co-accused of the petitioner namely Manoj Kumar

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and Ravinder @ Bagri have already been acquitted by the trial Court vide its judgment/order dated 12.12.2016.

Learned State counsel has produced the custody certificate, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 1 years, 10 months and 9 days, though, he is involved in various other cases.

The Apex Court in the case of ***"Maulana Mohd. Amir Rashadi vs. State of U.P. And another", 2012 (2) SCC 382*** has held that the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant extract of the judgment is reproduced hereinabove:-

> "*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."*
>
> Heard learned counsel for the parties at length.

Considering the fact that the two co-accused of the petitioner have already stands acquitted and the petitioner who has already suffered incarceration for a period of 1 year, 10 months and 9 days and no overt act attracting the provisions of Section 307 IPC has been made out against the petitioner even after declaring proclaimed offender the petitioner surrenders and is behind the bars, as well as in view of the law laid down by the Apex Court in the case of ***Maulana Mohd. Amir Rashadi's*** case (Supra), this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind the bars.

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In light of the above, the petitioner is directed to be released on regular bail on his furnishing personal and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that nothing observed hereinabove, shall have any bearings on the merits of the trial.

(SANDEEP MOUDGIL)
JUDGE

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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No

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