

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.212

CRM-M-944-2023

Date of decision: 18.04.2023

Mangat Ram @ Mangu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.280 dated 21.10.2020 registered under Sections 452, 326, 324, 323, 148 and 149 IPC at Police Station Kotwali Kapurthala, District Kapurthala.

Briefly stated, the case of the prosecution is that on 21.10.2020, at about 2.00 P.M., when the complainant alongwith his wife and neighbour were present at his house they were attacked by the petitioner and other co-accused; in the course of such attack the petitioner is said to have inflicted a stick blow on the backside of the complainant's left hand whereas his co-accused inflicted injuries on the complainant, his wife and his neighbour, which include a grievous injury on the complainant.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; in a magisterial trial, the petitioner

has suffered actual custody of nearly 10 months; all material witnesses in the petitioner's trial have already been examined; it is true that at an earlier point of time the petitioner was declared a proclaimed offender but he has already suffered for such mistake on his part by undergoing imprisonment for nearly 10 months and that the petitioner shall continue to appear in his trial, on all subsequent dates, unless specifically exempted.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is involved in at least three other criminal cases including a case under the NDPS Act and that at an earlier point of time he was declared a proclaimed offender.

Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

In a magisterial trial, the petitioner is already undergone nearly 10 months of actual custody; the petitioner is attributed a simple injury; all material witnesses in the petitioner's trial have already been examined and that since in the petitioner's trial 11 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kapurthala, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the

merits of the case.

It is further directed that while on bail the petitioner shall own and possess a smart mobile phone which shall be kept on at all times; the phone shall always be with the petitioner; he shall share the number of the phone as also his location with the SHO of the area where the petitioner normally resides; he shall mark his attendance on 1st of each month in the police station and that he shall also not leave the jurisdiction of the concerned police station without the prior permission of the SHO of such police station.

April 18, 2023
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No