

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

214

CRM-M-3605 of 2023
Date of Decision: 30.01.2023

Amrit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. S.P.S. Khaira, Advocate
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

VIKAS BAHL, J (ORAL)

This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.89 dated 01.10.2021, registered under Sections 307, 341, 325, 323, 379-B, 506 and 34 IPC, at Police Station Badali Ala Singh, District Fatehgarh Sahib.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 12.10.2021 and out of 09 witnesses, only two have been examined and thus, trial is likely to take time. He further submitted that earlier bail petition of the petitioner was dismissed as withdrawn on 18.05.2022 with liberty to file a fresh one after the complainant/Karamjeet Singh is examined. He further submits that the said complainant-Karamjeet Singh has been examined and cross-examined on 09.01.2023 and thus, the petitioner is entitled to file the present petition for grant of regular bail. It has been further stated that in the present case that

only one injury which has been declared to be grievous in nature has been caused to the complainant which is on a non-vital part of the body and co-accused of the petitioner Gurpreet Singh and Kulwinder Singh have been granted the concession of regular bail by the District & Sessions Judge, Fatehgarh Sahib.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner along with the other co-accused persons has caused 07 injuries to the complainant out of which two injuries were inflicted on the head. It is also submitted that subsequent to the registration of the present FIR, another FIR under Section 302 IPC has been registered against the present petitioner.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case and he 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 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 facts and circumstances moreso, the

fact that the petitioner has been in custody since 12.10.2021 and there are 09 witnesses and only two have been examined and thus, trial is likely to take time and after the withdrawal of the earlier bail application on 18.05.2022 wherein liberty was granted to the petitioner to file a fresh one after the examination of the complainant/Karamjeet Singh, the said Karamjeet Singh has been examined as well as cross-examined on 09.01.2023 and also the fact that out of 07 injuries, only one injury has been declared to be grievous in nature and also the law laid down in *Maulana's* case (supra), 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.

30.01.2023*D.Bansal***(VIKAS BAHL)
JUDGE**

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