

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-6403-2023
Date of decision: 20.04.2023

Sahil Rajput

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

AND

CRM-M-12158-2023

Manpreet Singh @ Patta @ Bhatta

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ripudaman Singh Sidhu, Advocate
for the petitioner in CRM-M-6403-2023.

Mr. Rishu Mahajan, Advocate
for the petitioner in CRM-M-12158-2023.

Mr. I. P. S. Sabharwal, DAG, Punjab.

AMAN CHAUDHARY. J.

The present petitions have been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in respect of FIR No. 113 dated 13.09.2022, under Sections 307, 148, 149 IPC and Sections 25, 27, 54 and 59 of the Arms Act registered at Police Station Mohkampura, District Amritsar.

Learned counsel contend that the petitioners have been in custody for the last about 7 months having been arrested on 13.09.2022. The statement of the complainant and the injured witness have not supported the prosecution case who have been declared hostile. There are 15 more witnesses to be examined. The petitioners are involved in one more case, in which they are on bail. In this regard they rely on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

Learned State counsel opposes the bail on the ground that the petitioners have been attributed firearm injury to the complainant and the injured. However, he is unable to controvert the other submissions with regard to their custody being 7 months and 7 days, stage of the trial and that the complainant and the injured have turned hostile.

Heard.

Hon'ble The Supreme Court of India in the case of **Maulana Mohd. Amir Rashadi** (Supra), held that, "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."

In view of the facts and circumstances of the case, the observations made in aforesaid judgment, and that the petitioners have been in custody for the last 7 months and 7 days; 15 prosecution witnesses are yet to be examined; complainant and injured have not supported the prosecution case; the trial is likely to take considerable time, their further detention behind bars would not serve any

useful purpose, thus the present petitions for grant of regular bail deserve to be allowed.

As a result, the present petition are allowed. The petitioners is ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to their not being required in any other case. The petitioners shall abide by the following conditions:-

1. The petitioners will not tamper with the evidence during the trial.
2. The petitioners will not pressurize/ intimidate the prosecution witnesses.
3. The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioners shall not commit an offence similar to the offence of which, they are an accused, or for commission of which they are suspected of.
5. The petitioners shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
6. The petitioners shall not in any manner misuse their liberty.
7. The petitioners shall furnish their address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioners seek to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
8. The petitioners shall deposit their passport, if any, with the Trial Court forthwith and in case, they does not have the passport, they shall furnish a specific affidavit in this regard.

It is made clear that in case of any infraction of any of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioners by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

A photocopy of this order be placed on the file of another connected case.

(AMAN CHAUDHARY)
JUDGE

20.04.2023

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