

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-7014-2023 (O&M)

Date of decision: 04.05.2023

JATINDER PAL SINGH @ JATINDER SINGH @ SHER SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Puja Chopra, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case of FIR No.116 dated 21.05.2022, registered under Sections 307, 341, 323, 506, 148, 149 IPC (challan presented under Sections 307, 341, 323, 506, 34 IPC) at Police Station Tripri Patialad, District Patiala.

2. Learned counsel contends that neither the petitioner was named in the FIR, nor was any injury attributed to him. It is only on the statement of co-prisoner that he has been named, wherein also the attribution is of having given a blow with an iron pipe on left leg of Talwinder Singh, which as per the MLR was simple in nature. He is in custody for more than 11 months. Challan stands presented, however, charges have not been framed and in all there are 21 prosecution witnesses. Though the petitioner is involved in many case, however he is on bail in all except one case. He relies on the judgment of Hon'ble The

Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 03.05.2023 filed by learned State counsel is taken on record. As per the same, the petitioner is behind the bars for the last 11 months and 5 days.

4. Learned State counsel opposes the bail on the ground that the petitioner along with co-prisoners had inflicted injuries to Talwinder Singh. There are 5 other FIRs against him. He is however unable to controvert the submissions regarding the stage of the trial and injury attributed to the injured being simple in nature.

5. Heard.

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

6. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 11 months and 5 days; injury attributed to him is simple in nature; though challan stands presented, however, charges have not yet been framed; in all there are 21 witnesses, the trial is likely to take a considerable time, his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the

satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
 2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
 4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
 5. The petitioner 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 petitioner shall not in any manner misuse his liberty.
 7. The petitioner shall furnish his 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 petitioner seeks 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 petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.
8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.
9. In view of the above, it is 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.

(AMAN CHAUDHARY)
JUDGE

04.05.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No