

207

2023:PHHC:041393

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12677-2023

Date of Decision: 20.03.2023

AMRINDER SINGH ALIAS MINDA

....Petitioner(s)

Versus

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manoj Kumar, Advocate, for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 97 dated 02.10.2021, under Sections 307, 459, 397, 34 IPC and Section 411 IPC added later on, registered at Police Station Lambran, District Jalandhar.

Learned counsel for the petitioner has submitted that the petitioner is in custody for 1 year and 4 months and in the present case the charges were framed by the learned trial Court on 31.03.2022 and almost 1 year has elapsed only one witness has been examined who is the complainant and that too examination-in-chief and after the recording of examination-in-chief, he did not come back for cross-examination despite

repeated adjournments and bailable warrants issued against her and in this regard, he referred to Annexure P-14 to P-17. He submitted that in the present case the petitioner was falsely implicated and petitioner is not involved in any other case and has got clean antecedents and the trial is being delayed only at the instance of the complainant and deliberately she is not appearing before the trial Court for cross-examination. He submitted that in view of the aforesaid facts and circumstances and the fact that the petitioner has faced incarceration for 1 year and 4 months, he may be considered for the grant of regular bail.

On the other hand, Ms. Akshita Chauhan, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner has faced incarceration for 1 year and 4 months and after the framing of charges on 31.03.2022, only the complainant has been examined in chief but thereafter she has not come forward for cross-examination. She further submitted that the petitioner is not involved in any other case and has got clean antecedents. She has however opposed the grant of bail on the ground that the matter was serious in nature wherein injuries were caused to the complainant.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for 1 year and 4 months. After the framing of the charges on 31.03.2022, only one person who is the complainant has been examined in part and as per the orders annexed by the learned counsel for the petitioner with the present petition, after she was examined in chief, she was summoned repeatedly and even bailable

warrants were issued against her. The petitioner is not involved in any other case, as per the learned counsel for the parties. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

20.03.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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