

CRM-M-13773-2023

2023:PHHC:081607

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13773-2023

Date of decision : 06.06.2023

Ranjodh Singh @ Sunny Yamaha

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.B.S. Dhillon, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Rishabh Singla, Advocate,
for the complainant.

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in G.D. No. 026, dated 18.06.2022, under Sections 307, 148, 149 of IPC and Sections 25/27/54/59 of Arms Act registered at Police Station Chattiwind, District Amritsar Rural in FIR No. 0093, dated 18.06.2022, under Sections 302, 307, 120-B, 34 of IPC and Sections 25 and 27 of Arms Act registered at Police Station Chattiwind, District Amritsar Rural.

2. Learned counsel for the petitioner has drawn attention of this Court to the FIR No. 0093, dated 18.06.2022, under Sections 302, 307, 120-B, 34 of IPC and Sections 25 and 27 of Arms Act, registered at Police Station Chattiwind, District Amritsar Rural, wherein four accused persons

have been named, which is an FIR actually lodged on behalf of the petitioner after one of the injured, namely Narinder Singh, succumbed to the injuries in the hospital, which is an afterthought. Once the said FIR was got registered, the complainant party got the cross-version reported to the police vide G.D. No. 026, dated 18.06.2022, under Sections 307, 148 & 149 of IPC and Sections 25/27/54/59 of the Arms Act, just to give it a colour of version and cross-version, wherein actually the petitioner is also a victim and suffered gun-shot injury in the scuffle, which fact is not denied by either of the parties. It is also asserted by the counsel for the petitioner that the instant G.D. No. 026, dated 18.06.2022 is a result of an afterthought, as is lodged after a lapse of more than 21 hours i.e. even after the registration of the FIR on behalf of the petitioner first. He, therefore, prays for grant of regular bail to the petitioner.

3. Learned counsel for the State, on the other hand, has produced the custody certificate, which is taken on record. He, on instructions from ASI Kewal Singh, argues for dismissal of the instant petition by contending that the injury attributed to the petitioner with the fire-arm is on the chest and that is why, Section 307 of IPC has been attracted but the fact of delay of 21 hours in lodging G.D. No. 026, dated 18.06.2022 remains unexplained on his part, which can be an afterthought. It is also pointed out by the learned State counsel that in fact, it is a scuffle between the two groups, who are working as property dealers and probably out of business rivalry, both the parties were entangled in the scuffle.

4. At this stage, learned counsel for the complainant has submitted that the petitioner is a habitual offender and seven other criminal cases are pending against him, which is also reflected from the custody certificate of

the petitioner filed today in Court. Pendency of other cases would not be a predicament for this Court to consider the case for grant of regular bail in the instant petition as has been observed by the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, which culminated into the legal proposition holding that the evidence of each and every case is to be read in that particular FIR and cannot be a part of instant FIR for ensuring conviction of the petitioner at all finally is conducted.

5. Be that as it may, the fact remains that the petitioner has also suffered multiple injuries in the alleged incident and that too, by gun-shot, where the investigation is already complete and challan stands presented before the trial Court on 19.09.2022 and after framing of charges on 22.02.2023, the trial is now fixed for prosecution evidence, where out of total 27 witnesses, none has been examined till today, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars as the trial will take a long time.

6. The Court is also sanguine of the fact that as per the custody certificate, the petitioner has already suffered almost one year in custody, wherein trial will certainly take long time and therefore, keeping the petitioner behind the bars for an indefinite period will not serve any purpose and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, which not only ensures right to life and liberty but to the rule of criminal jurisprudence wherein bail is a rule and jail is an exception, petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

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7. The present petition is, hereby, allowed.
8. However, anything stated hereinabove shall not be construed as
an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

06.06.2023
Harish

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