

CRM-M-16027-2023

-1-

219

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16027-2023
Date of Decision: 06.07.2023

Manik

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ankit Kharbanda, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.40, dated 22.02.2022, under Sections 307 & 34 of the IPC and Section 25 of the Arms Act, registered at Police Station Chheharta, District Amritsar.

2. At the outset, learned counsel for the petitioner has submitted that inadvertently in the headnote of the petition, it has been so mentioned as the 'first petition' whereas in fact it is the third petition which has been filed by the petitioner and the earlier bail petitions of the petitioner were withdrawn and it was only an inadvertent typing mistake.

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 02.06.2022 which is more than 1 year and now the charges have been framed but no prosecution witness has been examined

till date and it is a case of no injury, therefore, the petitioner may be considered for grant of regular bail.

4. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab submitted that it is a case where the petitioner along with the co-accused had a fight with the complainant earlier and thereafter, both of them came again in the evening on a motorcycle and took out a country-made pistol and fired at the complainant but the complainant was not injured. He further submitted that the country-made pistol and the motorcycle were recovered from the spot itself. He also submitted that the petitioner is a habitual offender and he is involved in three more cases bearing FIR No.110, dated 26.05.2018, under Sections 308, 323, 447 & 427 of the IPC registered at Police Station Chheharta, District Amritsar, FIR No.44, dated 16.05.2020, under Sections 307, 148, 149 IPC and Section 25 & 27 of the Arms Act registered at Police Station GRP, District Amritsar and FIR No.237, dated 16.09.2021, under Sections 323, 336, 148 & 149 of the IPC and Sections 25 & 27 of the Arms Act registered at Police Station Chheharta, District Amritsar and no prosecution witness has been examined till date and there is a strong apprehension that in case the petitioner is released on bail then he may repeat the offence and may influence the witnesses and therefore, has opposed the grant of regular bail to the petitioner.

5. I have heard the learned counsel for the parties.

6. It is a case where the petitioner has faced incarceration for more than 1 year and till date no prosecution witness has been examined.

Considering the aforesaid facts and circumstances, the apprehension expressed

by the learned State counsel based upon the facts of the present case and also the criminal antecedents of the petitioner, the same cannot be ignored and they carry weight.

7. Therefore, without commenting anything on the merits of the present case, this Court does not deem it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is hereby dismissed.

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

06.07.2023

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |