

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-16473-2023

Date of decision: 17.04.2023

Vishal Singh @ Vishaldeep Singh

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 109 dated 07.05.2022, under Sections 307, 353, 186, 506, 148, 149 IPC and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Jandiala, District Amritsar Rural.

Learned counsel contends that the petitioner has been in custody for the last about 4 months having been arrested on 24.12.2022. Though the petitioner was named in the FIR, however, he had not been arrested at the spot and no overt act has been attributed to him. The main injury has been attributed to Jobanjit Singh who is alleged to have fired at the complainant Satnam Singh. Another co-accused namely Sherpreet Singh @ Gulaba, from whom the pistol used in the incident was allegedly recovered was arrested at the spot, has been granted regular bail by this Court vide order dated 03.02.2023, Annexure P-4. Though, charges have been framed on 03.03.2023 but none out of 17 prosecution witnesses have been examined. The petitioner is involved in two more cases. In

this regard he relies 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.

Custody certificate filed by the learned State counsel is taken on record as per which the petitioner has been in custody for the last 3 months and 22 days.

Learned State counsel opposes the bail on the ground that the petitioner was part of the unlawful assembly wherein a gun shot injury was caused to the Constable Satnam Singh by the co-accused Jobanjit Singh. However, he is unable to controvert the other submissions with regard to the stage of the trial and the co-accused having been granted regular bail.

Heard.

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."

In view of the facts and circumstances of the case, the observations made in aforesaid judgment, and that the petitioner has been in custody for the last 3 months and 22 days; co-accused has been granted regular bail; charges have been framed on 03.03.2023, however, out of 17 prosecution witnesses, none have been examined as yet; the trial is likely to take considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

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 his 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, she does not have the passport, she 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 petitioner 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.

(AMAN CHAUDHARY)
JUDGE

17.04.2023

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