

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18537-2023

Date of decision : 24.04.2023

Navjot Singh @ Jota

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Harpreet Maini, Advocate
for the petitioner.

Mr.Rohit Ahuja, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is the 4th petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in cross case DDR no.71 dated 23.06.2021 (wrongly mentioned as 27.06.2021 in the head note of the petition) (Annexure P-2), G.D. no.65 dated 25.06.2021 (Annexure P-3) registered under Sections 307, 160, 148, 149, 120-B, 304 IPC at Police Station Kotkapura, District Faridkot in FIR no.135 dated 22.06.2021 registered under Sections 307, 201, 511, 160 IPC and Sections 25 and 27 of the Arms Act (Annexure P-1).

2. Learned counsel for the petitioner has submitted that earlier three bail petitions were withdrawn on account of clerical mistakes / wrong mentioning of sections / DDR etc. with liberty to file a fresh petition with full and better particulars and thus, in fact the present petition is the first petition for regular bail. It is further submitted that the present case is a case of version and cross-version. It is stated that the FIR in the present case was

registered on the basis of secret information and DDR no.71 dated 23.06.2021 was registered on the statement of Ravel Singh and in the said statement, the present petitioner was not named. It is further stated that the petitioner was named in the cross version recorded vide DDR no.71 dated 23.06.2021 by virtue of GD no.65 dated 25.06.2021 and the case of the prosecution was that the petitioner had provided a motor cycle to the accused in the cross case. It is submitted that neither the petitioner was present at the spot nor he had caused any injury to any person and the only role attributed to the petitioner is that the petitioner had given the said motor cycle. It is further submitted that the petitioner has been in custody since 25.06.2021 and there are 38 witnesses, out of which, none have been examined and thus, the trial is likely to take time. It is stated that Ravel Singh against whom the allegation is that he had fired, has been granted regular bail by a coordinate Bench of this Court vide order 17.01.2023 passed in CRM-M-51499-2021.

3. Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in the present case, although initially Section 302 IPC was added against the opposite party but subsequently on investigation, it was found that Golu belonging to the party of the present petitioner, had accidentally caused death of one of his accomplice Deepak Kumar @ Krishan Pal and thus, Section 302 IPC was deleted against the opposite party and Section 304 IPC was added in the cross version registered against the party of the petitioner. It is further submitted that in addition to the recovery of motor cycle, a pistol has been recovered from the house of the present petitioner and the petitioner is involved in three other cases.

that the petitioner has been acquitted in one case and in two other cases, he is on bail and has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“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.”

5. This Court has heard learned counsel for the parties and has perused the paper book.

6. Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has been in custody since 25.06.2021 and out 38 prosecution witnesses, none have been examined and thus, the trial is likely to take time and also the fact that as per the prosecution case, the petitioner was not present at the spot and has not caused any injury to anyone and also the fact that the present case is a case of version and cross version and also in view of the law laid down in ***Maulana’s*** case (supra), the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

7. However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses,

then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

8. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

April 24, 2023
Davinder Kumar

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