

205 **IN THE HIGH COURT OF PUNJAB & HARYANA**
AT CHANDIGARH

CRM-M-22958-2023

Date of Decision: 12.09.2023

Arun Kumar and Ors.

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Prateek Pandit, Advocate
 for the petitioner.

Mr. Mohinder Joshi, Addl. Advocate General, Punjab.

N.S. SHEKHAWAT, J. (ORAL)

1. The petitioners have filed the instant petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to them in case FIR No.149 dated 22.12.2020 registered under Sections 307, 332, 333, 353, 186, 342, 382, 506, 427, 148, 149 IPC at Police Station Satnampura, Phagwara, District Kapurthala.

2. Learned counsel for the petitioners contends that petitioners have been falsely involved in the present case by the police by concocting a false story. In fact, as per the case of the prosecution, the complainant and other police officials had gone to the house of the petitioners duly armed and it was unbelievable that injuries were caused to the said police officials. He further contends that the police has wrongly invoked the provisions of Section 307 IPC as the injuries suffered by the complainant and other police officials were simple in nature. In fact, the complainant was hand in glove with the complainant of earlier case i.e FIR 31/2017 and in that case, the petitioners

No.1 and 2 were already granted the concession of anticipatory bail vide order

dated 16.05.2017 (Annexure P-2). However, the police officials colluded with the complainant side in the said case and wanted to take forcible possession of the house of the petitioners. Learned counsel further contends that the similarly placed co-accused Sunita, Aarti, Amarjot and Sandeep have already been granted the concession of bail, vide order dated 23.12.2022 (Annexure P-3) passed by this Court. Learned counsel further contends that in the present case only 02 witnesses, out of total 27 witnesses, have been examined and the conclusion of the trial may take quite a long time. He further contends that the complainant has already appeared as a witness before the trial Court and their further custody would not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioners on the ground that that serious and specific allegations have been levelled against the present petitioners and they had assaulted the police officials.

4. I have heard learned counsel for the parties and perused the record with their assistance.

5. The petitioners have already undergone the custody since 23.12.2020 and cannot be incarcerated pending trial for any longer period. Still further, learned State counsel has failed to place on record any evidence to show that the petitioners are in a position to influence the witnesses of the prosecution or may abscond from the process of law. Rather, the entire case of the prosecution hinges on the testimonies of various police officials and the petitioners would not be in a position to tamper with the evidence, which is sought to be produced by the prosecution before the trial Court.

6. Without commenting any further on the merits, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

12.09.2023
hemlata

(N.S. SHEKHAWAT)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No