

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24849 of 2022 (O&M)
Date of decision: 26th May, 2023

Vishal @ Mani Jamba

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Navkiran Singh, Advocate for the petitioner.
Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.
Mr. Jaswinder S. Rana, Advocate for
Mr. Sandeep Arora, Advocate for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.32 dated 24.04.2021 under Sections 307, 341, 323, 324, 148, 149, 506 IPC registered at Police Station Division No.4, District Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand on account of a history of rivalry between him and the complainant party. He further submits that it was a case of version and cross-version, and it was the complainant party which was the aggressor. Learned counsel has submitted that the factum of the complainant party being an aggressor stands corroborated from the fact that co-accused Rahul Dogra had

sustained injuries at the hands of the complainant and his friends, in which regard a DDR was also got recorded. In support, learned counsel has drawn the attention of this Court to Annexure P-6, which is Medico Legal Report of co-accused Rahul dated 24.04.2021.

3. Learned counsel further submits that the petitioner has been in custody since 19.03.2022 and only 3 out of the 21 prosecution witnesses have been examined till date. Learned counsel further submits that in the aforesaid facts and circumstances, the trial would take considerable time to conclude and keeping in view the long incarceration of the petitioner, he be extended the concession of bail.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, submits that the petitioner was an active participant in the occurrence in question. He has drawn the attention of this Court to the allegations leveled in the FIR in question. He submits that a perusal of the FIR clearly reveals that a Datar blow has been attributed to him on the left leg of injured complainant Daljit as well as collective injuries have been attributed on the person of injured Ajay Kumar on his head, which injuries were found to be dangerous to life. Learned State counsel has further submitted that it is a matter of record that the petitioner has criminal antecedents, as there are as many as 13 cases registered against him including cases under the NDPS Act and Section 302 IPC etc. In support, learned State counsel has filed the custody certificate of the petitioner in the Court, which is taken on record subject to all just

exceptions. Learned State counsel has thus vehemently opposed the prayer of the petitioner to be enlarged on bail, by urging that there is every likelihood that the petitioner on being released on bail, could tamper with evidence and try to influence the remaining prosecution witnesses to depose in his favour, and it could also not be ruled out that he could be yet again involved in some other criminal case.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the wake of the serious and specific allegations levelled against the petitioner, of having caused grievous injuries to the complainant as well as injured Ajay Kumar, coupled with the fact that he is involved in as many as 13 other cases besides the present one, this Court does not deem it fit to extend the concession of bail to the petitioner.

7. In the circumstances, the petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 26, 2023
rps

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