

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208/2

CRM-M-22968-2020 (O&M)

Date of decision: 24.07.2023

Amritpal Singh @ Amrita

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sunil Chadha, Sr. Advocate with
Mr. Akshay Chadha and Ms. Sonia Monga, Advocates
for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Naresh Prabhakar, Advocate for the complainant

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.13 dated 19.03.2020, registered under Sections 307, 120-B, 506, 148 and 149 of the IPC and Sections 25 and 27 of the Arms Act at Police Station Sudhar, Tehsil and District Ludhiana Rural.

2. Learned Senior counsel contends that the petitioner is in custody for the last 5 months. The injury attributed to the petitioner is on the right hand of the complainant. He was granted interim bail by this Court vide order dated 02.09.2020 and there has been no complaint regarding any misuse at his hands. Charges were framed on 08.02.2021, however, only 1 out of 13 witnesses have been examined. Co-accused Gurpreet Singh @ Ford has been granted the

concession of regular bail after being in custody for 4 months and 9 days by this Court vide order of even date. Though the petitioner is involved in one more case, however, he is on bail in that case. Reliance is placed on the judgment of Hon'ble The Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 22.07.2023, filed by learned State counsel is taken on record. As per the same, the petitioner is behind bars for 5 months and 1 day.

4. Learned State counsel opposes the bail on the ground that the specific injury has been attributed to the petitioner, who was arrested at the spot and recovery of weapon was effected from him. He is however unable to controvert the submissions regarding the stage of the case, petitioner being on bail in other case and no complaint having been received regarding misuse of liberty granted to him while he was on interim bail.

5. Heard.

6. 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."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 5 months and 1 day; he is on bail in the other case;

co-accused has been granted bail; though charges were framed on 08.02.2021, however, only 1 out of 13 witnesses have been examined; the trial is likely to take considerable time and thus his further incarceration would not serve any useful purpose, as such the present petition for grant of regular bail deserves to be allowed.

8. As a result, the present petition is allowed. Since, the petitioner is on interim bail, he is directed to surrender and furnish fresh bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned. On his doing so, he shall be released on bail, subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

- (i). The petitioner will not tamper with the evidence during the trial.
- (ii). The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii). The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv). 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.
- (v). 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.
- (vi). The petitioner shall not in any manner misuse his liberty.
- (vii). 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.
- (viii). The petitioner shall not leave the country without prior permission of the trial Court.

(ix). The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

24.07.2023
S.Sharma(syr)

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