

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-28651-2023 (O&M)

Date of Decision: 29.08.2023

Vasudev @ Totti Baba

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vivek Aggarwal, Advocate and
Ms. Shallu Aggarwal, Advocate, for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 40 dated 18.03.2022, under Sections 323,354, 506 and 34 of IPC (Section 308 IPC added later on), registered at Police Station Division No.7, District Jalandhar.

2. Learned counsel for the petitioner has submitted that this is a successive bail petition filed by the petitioner since earlier bail petition was filed vide CRM-M-19947-2022 which was dismissed by this Court on 17.05.2022. He submitted that now 1 year and 3 months have elapsed after the dismissal of the earlier bail petition and there are change in circumstances and therefore, the successive bail petition is maintainable.

He submitted that now the trial has already commenced and the daughter of

the complainant has already been examined. He submitted that the petitioner is in custody for 1 year, 5 months and 15 days. He further submitted that as per the allegations contained in the FIR, the petitioner had insulted the daughter of the complainant and thereafter had caused injuries to the complainant. However, at the time when the charges were framed vide Annexure P-7, no charge has been framed under Section 354 IPC. He further submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has submitted that so far as the custody of the petitioner is concerned, the same is correct and the daughter of the complainant has already been examined. He submitted that the injuries were caused by the petitioner upon the complainant and the petitioner is involved in one more case of similar nature and the injuries attributable to the petitioner were found to be dangerous to life and therefore, the petitioner does not deserve the concession of regular bail.

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner has already faced incarceration for 1 year, 5 months and 15 days. FIR was lodged under Sections 323, 354, 506 and 34 of IPC but the charge has not been framed under Section 354 IPC. Initially the allegations in the FIR were that the petitioner had insulted the daughter of the complainant but the charge was framed under Section 354 IPC. Earlier the petitioner had filed a bail petition before this Court which was dismissed on 17.05.2022 but now it is almost 1 year and 3 months and one prosecution witness has been examined and therefore, this

Court is of the view that the successive bail petition is certainly

maintainable. The daughter of the complainant has already been examined and the trial of the case may take long time and therefore, this Court is of the view that in view of the aforesaid facts and circumstances, the petitioner deserves the concession the regular bail.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

29.08.2023	(JASGURPREET SINGH PURI)
<i>rakesh</i>	JUDGE
Whether speaking	: Yes/No
Whether reportable	: Yes/No