

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

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CRM-M-30802-2023 (O&M)

Date of decision: 07.07.2023

Mangal Singh and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Yogesh Goel, Mr. Lakshay Goel and
Mr. Simrandeep Singh, Advocates for the petitioners

Mr. H.S. Sullar, Sr. DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioners in case FIR No.52 dated 31.03.2021, registered under Sections 307, 323, 506, 148, 149 IPC at Police Station Koom Kalan District Ludhiana.

2. Learned counsel contends that the petitioners are in custody for the last about 1 year and 11 months. They were named in the FIR however with no specific attribution. It is a case of version and cross-version as one G.D. No.32 dated 03.04.2021, Annexure P-2 was got recorded by Piara Singh regarding the same incident, wherein injuries were caused to him by the complainant party. The police from the statement found offence under Sections 323, 341, 148, 149 and 206 IPC to be made out. Similarly situated co-accused has been granted regular bail by this Court after a custody of 1 year and 8 months vide order dated 17.05.2023, Annexure P-14. Other co-accused have also been granted regular bail by this Court vide orders dated 24.11.2022, Annexures P-12 and P-13. Petitioner

No.2 is not involved in any other case, however, petitioner No.1 is involved in one more case wherein he has been granted anticipatory bail. Charges were framed on 05.04.2022, and, one witness was partly examined, however, an application under Section 319 CrPC was filed, which was allowed on 06.04.2023 for summoning two more witnesses, but none has been examined thereafter.

3. The custody certificates dated 06.07.2023, filed by learned State counsel are taken on record. As per the same, the petitioners are behind bars for the last 1 year, 10 months, 27 days and 1 year, 10 months, 25 days respectively.

4. Learned State counsel opposes the bail on the ground that petitioners have been specifically named in the FIR and had actively participated in the commission of the offence. There is one FIR against petitioner No.1. He is however unable to controvert the submissions regarding the stage of the case, petitioner No.2 being not involved in any other case, co-accused having been granted bail and petitioner No.1 being on anticipatory bail in another case registered against him.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for the last 1 year, 10 months, 27 days and 1 year, 10 months, 25 days respectively; co-accused having been granted bail; though petitioner No.1 is involved in another case, however, he is on anticipatory bail and petitioner No.2 is not involved in any other case; charges were framed on 05.04.2022, however, no witness has been examined so far; the trial is likely to take considerable time, thus further incarceration would not serve any useful purpose, as such the present petition for grant of regular bail deserves to be

allowed.

7. As a result, the present petition is allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to they not being required in any other case. The petitioners shall abide by the following conditions:-

- (i). The petitioners will not tamper with the evidence during the trial.
- (ii). The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii). The petitioners will appear before the trial Court on each and every date fixed, unless are exempted by a specific order of Court.
- (iv). The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v). The petitioners 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 petitioners shall not in any manner misuse their liberty.
- (vii). The petitioners shall furnish their 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 petitioners seek 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 petitioners 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 petitioners.

8. 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 petitioners by this order.

9. 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

07.07.2023
S.Sharma(syr)

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