

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

234

CRM-M-32033-2023 (O&M)

Date of decision: 29.08.2023

Kamaljit Singh @ Kamaljeet Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ghulam Nabi Malik, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Rakesh Kumar Kashura, Advocate for the complainant

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.48 dated 16.05.2023, registered under Sections 307, 160, 148 and 149 IPC and Section 25 of Arms Act, 1959 at Police Station Dehlon, District Police Commissionerate, Ludhiana.
2. Learned counsel contends that the petitioner is in custody for more than 3 months. The attribution to him is of having caused a bullet injury on the left arm of the complainant. Two co-accused of the petitioner have been granted anticipatory bail and one co-accused regular bail by this Court vide orders dated 10.08.2023 and 18.08.2023. The matter stands compromised between the parties and an affidavit dated 30.05.2023 has been furnished by the complainant to the police, Annexure P-2 and the same has also been observed in the orders, while granting bail to the co-accused. Challan was presented on 01.08.2023, however,

the charges are yet to be framed. In all there are 12 prosecution witnesses. There are 2 more cases against the petitioner, in one FIR under Section 326 IPC, he has been declared innocent and in the FIR under Section 324 IPC, the matter has been compromised. In this regard, 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 28.08.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for 3 months and 10 days.

4. Learned State counsel opposes the bail on the ground that the petitioner has been attributed a specific role of having fired at the complainant and there are two more cases registered against him. He is however to controvert the submissions with regard to stage of the case and co-accused having been granted bail.

5. Learned counsel for the complainant affirms the factum of compromise having been arrived at between the parties and affidavit in that regard has also been submitted by the complainant and has no objection for grant of regular bail to the petitioner.

6. Heard.

7. Hon'ble The Supreme Court 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

the possibility of fleeing away from the jurisdiction of the Court etc.”

8. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 3 months and 10 days; involved in two more cases, wherein declared innocent in one and matter has been compromised in another; co-accused have been granted bail; the matter stands compromised in the present FIR; challan was presented on 01.08.2023, however, charges are yet to be framed; in all there are 12 prosecution witnesses, the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

9. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his 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.

10. 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.

11. 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

August 29, 2023
M.Kamra

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