

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

245

CRM-M-32293 of 2023

Date of Decision:12.07.2023

Harjit Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vinay Kumar, Advocate,
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present 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.86 dated 27.08.2022, under Sections 379-B(2), 341, 323, 34 IPC and Section 27/61/85 of the NDPS Act, registered at Police Station Bhikhiwind, District Tarn Taran.

2. It is submitted by learned counsel for the petitioner that the petitioner is in custody from 26.10.2022. He submitted that the investigation of the case has already been completed but no prosecution witness has been examined till date. He further submitted that although the petitioner is involved in four more cases but so far as the present case is concerned, he has been falsely implicated and the prosecution story has been concocted by the police and therefore the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab has submitted that although the petitioner is in custody from 26.10.2022 but it is a case where the petitioner alongwith other co-accused was caught on the spot and even an attempt was made to fire from a pistol which failed as the pistol was rusted and was inoperative as per the FIR. He submitted that the petitioner is involved in four more cases including one case under Section 302 IPC and in case the petitioner is released on bail, then there is a strong apprehension that he may repeat the offence and he may influence the witnesses especially in view of the fact that even the complainant has not been examined till date and has therefore vehemently opposed the grant of bail to the petitioner.

4. I have heard learned counsel for the parties.

5. In the present case the petitioner is in custody from 26.10.2022 but as of date no prosecution witness has been examined. The petitioner is stated to be involved in four more cases including one case under Section 302 IPC. As per the allegations, the petitioner was caught on the spot. Even the complainant has not been examined till date. The apprehension expressed by learned State counsel based upon the aforesaid facts and circumstances and the antecedents of the petitioner that in case the petitioner is released on bail, then he may abscond from justice or may influence the witnesses including the complainant, cannot be ignored and does carry weight.

6. In view of the aforesaid totality of facts and circumstances and considering the gravity of the present case, this Court does not deem it fit and proper to grant bail to the petitioner. Consequently, finding no merit in the present petition, the same is dismissed.

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

(JASGURPREET SINGH PURI)
JUDGE

July 12, 2023
dinesh

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