

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-33023-2023 (O&M)

Date of decision: 18.07.2023

Charanjit Singh @ Harinder Singh and Anr

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Manipal Singh Atwal, 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 and 149 IPC, at Police Station Koom Kalan, District Ludhiana.

2. Learned counsel contends that the petitioners are in custody for the last about 2 years. It is a case of version and cross-version, as one GD No.32 dated 03.04.2022 was recorded at behest of Piara Singh co-accused of the petitioners, regarding the same incident, wherein injuries were caused to him by the complainant party. The police made out offence under Sections 323, 341, 148, 149 and 206 IPC from the statement. The allegation against the petitioner No.2 is of having caught hold of the complainant and the petitioner No.1 having hit him with a dustbin on his head, however, attribution to an injury on the head, is also to Piara Singh and in the MLR there is only one injury on the head of the complainant. Even otherwise, the dustbin was made of plastic. Similarly situated co-accused have been granted regular bail by this Court after a custody of 1 year and 4 months

vide order dated 24.11.2022. Charges were framed on 05.04.2022 and one witness was partly examined, however, an application under Section 319 Cr.P.C. was filed, which was allowed on 06.04.2023 for summoning of two more accused and now the case is fixed on 28.07.2023 for framing of fresh charges. Petitioner No.1 is involved in one more case, wherein he is on anticipatory bail and petitioner No.2 is not involved in any other case.

3. The custody certificates dated 17.07.2023 have been filed by learned State counsel, as per the same, the petitioners are behind bars for the last 1 year, 10 months and 11 days and 1 year, 11 months and 8 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 offence and the petitioner No.1 is involved in one more case. He is however unable to controvert the submissions made with regard to 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 and 11 days and 1 year, 11 months and 8 days; co-accused have 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, as yet only one witness has been partly examined, the trial is likely to take a considerable time, thus their further incarceration would not serve any useful purpose, 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 their 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 is 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

July 18, 2023
M.Kamra

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