

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

219

CRM-M-33947-2023 (O&M)  
Date of decision: 21.07.2023

Pawan Kumar @ Budhu

...Petitioner

**Versus**

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. K.S. Sidhu, Advocate for  
Mr. F.S. Virk, Advocate for the petitioner

Ms. Himani Arora, AAG Punjab

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**AMAN CHAUDHARY. J.**

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.331 dated 03.11.2022, registered under Sections 307, 326, 323 and 34 IPC, at Police Station Tripuri, District Patiala.

2. Learned counsel contends that the petitioner is in custody for the last about 9 months. Though the injury attributed to him was on the head of the complainant, however, the same was simple in nature. The injury attracting Section 326 was attributed to co-accused Lakhvir Singh Rana @ Golu. It is a case of version and cross-version as DDR No.54 dated 03.11.2022 was registered by the co-accused Jatinder Pal Singh against the complainant-injured Jarmanjeet Singh @ Bhalwan Singh and 5 others. Charges have been framed on 15.03.2023, however, out of 25 prosecution witnesses, none has been examined. The petitioner is involved in 6 other cases, out of which, 1 has been compromised and a petition

for quashing of FIR is being filed; in 2 he has been acquitted; 1 is under the Prisons Act and 2 under Sections 307 and 302 IPC wherein he is on bail. 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. Learned State counsel opposes the bail on the ground that there are specific allegations levelled against the petitioner of having caused an injury on the head with an intention to kill the injured. He is however unable to controvert the submissions with regard to custody, stage of the case and the petitioner being on bail in the other cases registered against him.

4. Heard.

5. 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 possibility of fleeing away from the jurisdiction of the Court etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for almost 9 months; in the other cases registered against him either he has been acquitted or on bail; though charges have already been framed on 15.03.2023, however, out of 25 prosecution witnesses, none has

yet been examined, the trial is likely to take a considerable time, thus his 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 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.

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 petitioner 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 21, 2023  
M.Kamra

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