

CRM-M-36350-2022

Rajan Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. M.S.Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.232 dated 03.08.2021 registered under Sections 379-B(2) and later on added Sections 397, 326, 324, 201 of IPC at Police Station City Faridkot, District Faridkot.

The FIR in the instant case was got registered by Charanjit Singh son of Jugraj Singh by alleging that at about 8.45 pm on 02.08.2021, he was going to his village Pipli from Faridkot on his Alto 800 car bearing registration No.PB-04U-7248, which was being repaired by him. When he reached near Octroi Post No.5, Opposite Pakhi Kalan Road, certain cows came on the road and he slowed down the car. The four boys, riding on a motorcycle, reached there and stopped his car. All of them alighted from the motorcycle and opened the door of the car and pulled him out of the car. All of them were having kapas on their hands and they started giving him injuries. The complainant was

caused injuries by them and they also snatched one mobile make Samsung S-10 Blue colour and also a sum of Rs.10,000/- from him. On these broad allegations, the FIR in the present case was registered against unknown persons.

Learned counsel for the petitioner contends that the FIR in the instant case was lodged against unidentified persons, who had allegedly committed the offence. Later on, during the course of investigation, the petitioner was arrested without any cogent evidence and he is continuing in custody since 21.08.2021. He further contends that in the present case, seven witnesses have been examined out of total 19 witnesses and the next date of hearing before the learned trial Court is fixed on 07.07.2023. He further contends that the petitioner has already undergone more than 01 year and 10 months of custody and his further custody will serve no meaningful purpose.

Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner by contending that four other cases have already been registered against him. He further contends that the petitioner is a habitual offender and he may try to influence the witnesses of the prosecution. However, it is not in dispute that out of four cases, the petitioner has already been granted the concession of bail in three cases. Learned State counsel further submits that the complainant had suffered three injuries and out of the said injuries, only one injury has been declared to be grievous.

I have heard learned counsel for the parties and perused the record carefully with their assistance.

It is not in dispute that the petitioner is in custody since 21.08.2021 and seven material witnesses of the prosecution have already been examined

and the conclusion of the trial will take quite a long time.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

Since, the petitioner is involved in other cases also, he is directed to report to the SHO, Police Station, City Faridkot on first Monday of every month and the SHO, Police Station, City Faridkot is directed to mark his presence in the roznamcha of the police station. Still further, in case the petitioner involves in any other similar criminal activity, it shall be viewed seriously and the prosecution shall be at liberty to apply for his cancellation of bail. In case, the petitioner does not comply with the abovesaid conditions, the bail granted to the petitioner shall be automatically cancelled.

06.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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