

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

CRM-M-36115-2023 (O&M)

Date of Decision: 04.08.2023

RAJA SINGH AND ANR.

...Petitioners

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Raghav Goyal Chandiwalla, Advocate
for the petitioner.

Mr. Vikas Arora, AAG Punjab.

DEEPAK MANCHANDA J.

This is the second petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioners in the case bearing FIR No. 199 dated 08.12.2022 under Sections 379-B, 451, 160, 323, 148 and 149 of the Indian Penal Code, registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

Custody certificates filed and the same are taken on record.

As per prosecution story, allegations against the petitioners are that on 07.12.2022 at about 8.00 AM, they along with three other accused persons entered the shop of the complainant and while petitioner No. 1 gave base ball bat blow on the left leg of the complainant and petitioner No. 2 gave wooden rod blow on his nose and also threatened to kill him.

Learned counsel for the petitioner contends that investigation qua petitioners had been completed and challan was presented on 13.02.2023. Thereafter, vide General Diary/Rapat No.23 dated 13.03.2023 (Annexure P-2), the supplementary challan was presented and Section 379-B and Section 451

IPC were deleted from the present FIR, but this fact was not brought into the

notice of this Court while passing the order dated 21.04.2023 in earlier bail application i.e. CRM-M-7454-2023. Learned counsel further contends that no specific injury has been attributed to the present petitioners and while referring to the order dated 29.05.2023 passed by the trial Court, where observations with regard to shoddy investigation have been made and the charge sheet under Sections 379-B, 451, 160, 323, 148 and 149 IPC is ordered to be served upon itself is debatable. Hence this second bail petition has been filed under the changed circumstances. He further submits that petitioners are not the main accused in the present FIR and are in custody since 17.12.2022 and 03.01.2023 respectively and has faced incarceration of a period of more than 7 months and investigation of the case is complete.

Learned State counsel has opposed the bail application on the ground that there is likelihood that petitioners may misuse the concession of bail but admitted the fact that investigation of the case is complete and challan already stands presented on 13.02.2023.

Having heard learned counsel for the parties and gone through the case file and custody certificates, it is significant to note that the petitioners are in custody for a period of more than 07 months. Further the investigation of the case has been completed and challan stands presented and conclusion of the trial shall take considerable long time. Therefore, no useful purpose would be served by keeping the petitioner in further incarceration.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioners. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety

bonds to the satisfaction of the concerned trial Court/Chief Judicial
Magistrate/Duty Magistrate.

The petition is allowed.

04.08.2023
Ajay Goswami

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No