

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227+230

CRM-M-39862-2023(O&M)
Date of decision: 09.10.2023

Ajayveer Singh @ Ajay
...Petitioner

Versus

State of Punjab
...Respondent

CRM-M-47200-2023(O&M)

Karanvir Singh @ Chabbra
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Abdul Aziz, Advocate for the petitioner
in CRM-M-39862-2023.

Mr. Shiv Kumar Sharma, Advocate for the petitioner
in CRM-M-47200-2023.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. Prayer in the present petitions filed under Section 439 Cr.P.C.
is for grant of regular bail to the petitioners in case FIR No.112 dated
12.06.2023, registered under Sections 307, 341, 323, 324, 148 and 149
IPC (Sections 325, 201, 506 and 34 IPC added later on), at Police Station
City-1, Sangrur.
2. Learned counsel contend that the petitioners, aged 20 and 23
years, are in custody for about 4 months. There is an inordinate delay of 2

days in lodging the FIR. The petitioners and complainant are stated to be classmates studying in the same college. A compromise dated 06.07.2023, Annexure P-2, has also been arrived at between them. Petitioner-Ajayveer Singh is not involved in any other case. Petitioner-Karanvir Singh is involved in two more cases wherein he is on bail. 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. Challan was presented on 05.09.2023 but charges are yet to be framed and in total there are 15 prosecution witnesses.

3. Learned counsel for the complainant affirms the factum of compromise having been arrived at between the parties as also that the petitioners and complainant are classmates and has no objection to grant of bail to the petitioners.

4. The custody certificate dated 07.10.2023 (in CRM-M-39862-2023), filed by learned State counsel is taken on record, as per which, the petitioners are behind bars for 3 months and 23 days.

5. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioners of having inflicted grievous injury to the complainant. He is however unable to controvert the submissions made regarding the stage of the trial, compromise having been arrived at and petitioner-Ajayveer Singh being not involved in any other case whereas petitioner-Karanvir Singh is on bail in other cases.

6. Heard.

7. 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.”

8. Considering the facts and circumstances of the cases, in particular that the petitioners are in custody for last 3 months and 23 days; compromise has been effected; petitioner-Ajayveer Singh is not involved in any other case and petitioner-Karanvir Singh is on bail in the other cases; challan stood presented on 05.09.2023, however, charges are yet to be framed and there are a total of 15 prosecution witnesses; the trial is likely to take a considerable time, thus their further incarceration would not serve any useful purpose, the present petitions for grant of regular bail deserve to be allowed.

9. 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 an 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 addresses 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.

10. 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.

11. 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.

12. Photocopy of this order be placed on the connected file.

09.10.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No