

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

CRM-M-46228-2022

Decided on:-02.02.2023

Prabhdeep Soomal

....Petitioner..

vs.

State of Punjab and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.S. Thakur, Advocate,
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab,
for respondent No.1-State.

None for respondent No.2.

HARKESH MANUJA J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.247 dated 10.11.2017 under Sections 307, 34 IPC and Sections 25/27 of the Arms Act, 1959, registered at Police Station Goraya, District Jalandhar Rural, during the pendency of trial.

Learned counsel for the petitioner submits that in the aforementioned FIR, the petitioner was granted the concession of regular bail vide order dated 17.05.2018 passed by the court of learned Additional Sessions Judge, Jalandhar and facing trial. He further submits that unfortunately, the petitioner was again arrayed as an accused in one another FIR No.246 dated 19.12.2020, under Sections 341, 323, 324, 325, 326, 307, 148 and 149 IPC, Police Station Goraya, District Jalandhar Rural, wherein,

he was granted the concession of regular bail by this Court vide order dated 30.08.2022 passed in CRM-M-8408-2022, however, in the meanwhile, Bhupinder Singh-injured in the FIR in question, moved an application under Section 439 (2) Cr.P.C. with the prayer for cancellation of bail granted in favour of the petitioner which came to be allowed by learned Additional Sessions Judge, Jalandhar vide order dated 06.08.2021, resultantly, the petitioner was taken back into custody and thus, prays for grant of concession of regular bail in view of the fact that he has suffered a lot on account of extended incarceration of almost 01 year and 6 months now with only 9 of the prosecution witnesses having been examined out of total of 25 as cited by the prosecution.

On the other hand, prayer made in the present petition has been opposed at the instance of learned State counsel by submitting that the petitioner despite being granted the concession of regular bail in this very FIR again indulged himself in another incident, resulting into registration of another FIR No.246 dated 19.12.2020 against him and thus, keeping in view the antecedents of the petitioner, he does not deserve the concession of regular bail.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Admittedly, the petitioner herein happened to be 17 years of age at the time of first incident, which took place on 10.11.2017 and has already suffered a lot on account of his incarceration, which has gone extended for a period of more than 1 year and 7 months now, followed by the slow progress of trial, wherein, only 9 witnesses have been got examined

so far out of total of 25 cited by the prosecution. It may also be relevant to point out here that the injured as well as other independent witnesses already stand examined by the prosecution, thus, considering the aforesaid facts and circumstances, there does not appear to be any justification to keep the petitioner behind the bars.

In view of the above, without commenting anything on the merits, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

Keeping in view the facts and circumstances of the present case, the petitioner is directed to appear before the SHO concerned on every second Saturday/Sunday of the every month at 11:00 a.m. for a period of one year, failing which, the respondent-State shall be at liberty to move an appropriate application for cancellation of his bail.

02.02.2023

sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No