

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

223

2023:PHHC:118408

CRM-M-43491-2023

Date of decision: September 11th, 2023

Pritpal Singh @ Sunny

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ranbir Singh Rawat, Advocate
with Mr. Ashwani Kumar, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.40 dated 12.11.2010 under Sections 323, 324, 326, 506 of the IPC (Section 307 IPC added vide order dated 30.01.2023) registered at Police Station Gardiwal, District Hoshiarpur.

2. Learned counsel for the petitioner submits that it is a matter of record that after the registration of the FIR in question, the petitioner had been enlarged on bail by the trial Court and thereafter had been regularly appearing before it. However, after the prosecution evidence had concluded and at the stage of recording of the statement of accused under Section 313 Cr.P.C., offence under Section 307 of the IPC was added. Resultantly, the petitioner again moved an application for concession of regular bail. The trial Court vide order dated 12.05.2023 (Annexure P-6) granted him the concession of interim bail. However, as the petitioner was unable to arrange for proper surety, the interim order granting him the concession of bail, was not made absolute by the trial Court; thereafter, he was declared proclaimed offender on 20.05.2023 (Annexure P-8).

Learned counsel has submitted that however, it is a matter of record that

on 15.06.2023, the petitioner had appeared and surrendered before the police and ever since then had been in custody. Learned counsel has further submitted that it is a case of version and cross-version and even as per the case of the prosecution, the petitioner has not been attributed injury inviting the mischief of Section 307 of the IPC, which has instead been attributed to co-accused Rohit Kumar. Learned counsel submits that he has been attributed an injury on the left palm of the injured inviting the mischief of offence under Section 324 of the IPC. Learned counsel has further submitted that in the facts and circumstances, the petitioner be granted the concession of bail as there is no likelihood of the trial concluding in the near future as the prosecution evidence is going to be recorded all over again after the framing of charge under Section 307 IPC.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has however, not been able to dispute the role as well as the injury attributed to the petitioner in the crime in question. He has also not disputed, on instructions, that the petitioner had been on bail after the registration of the FIR, however, on account of not being able to arrange for surety, the trial Court vide order dated 21.07.2023 (Annexure P-9) had declined him the concession of bail and subsequently, he was declared a proclaimed offender. He has, on instructions, not controverted that the petitioner had thereafter surrendered before the police on 15.06.2023.

4. On a pointed query put to the learned State counsel qua the antecedents of the petitioner, he on instructions, has apprised the Court that the petitioner has clean antecedents as he is not involved in any other criminal case.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In the facts and circumstances as enumerated hereinabove, particularly, keeping in view the role and injury attributed to the petitioner, coupled with the fact that the trial is unlikely to conclude in the near future as the prosecution evidence is going to be recorded all over again after framing of charge under Section 307 IPC, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 11th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No