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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46226-2022 (O & M)
Date of decision: 31.10.2023

Nasib Khan

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition for the grant of regular bail in FIR No.247 dated 14.09.2021 under Sections 323, 427, 148, 149 and 307 IPC and Sections 326, 324 and 325 IPC (added later on vide GD No.13 dated 19.10.2021) registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. The FIR was registered at the instance of Sukhwinder Singh. The allegations are that on the intervening night 30/31.08.2021, the complainant had gone to Durga Mandir on a vehicle bearing registration No.PB-30-W-5353 to bring back his cousin Harry, who was not found there. While returning 10/12 armed persons including the petitioner attacked the complainant, caused injuries and smashed the wind shield of the vehicle. The motive behind the incident was that the accused were carrying grudge as there were altercation between the complainant and accused Mandar though the matter was compromised with the intervention of the Panchayat.

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3. The learned counsel for the petitioner submits that the petitioner was in custody since 05.03.2022. It is contended that the injury attributed to the petitioner was grievous but not dangerous to life. Two similarly situated co-accused of the petitioner namely, Dheeraj and Manod Kumar @ Mandar had been granted the concession of bail by this Court vide a common order dated 07.07.2023 passed in CRM-M- 54282-2022 and CRM-M- 21959-2023. As only 01 out of the 29 prosecution witnesses had been examined so far, the trial was not making any progress, and therefore, the petitioner was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, opposes the aforesaid prayer and submits that 12 injuries were inflicted upon the complainant. The petitioner and his co-accused were armed with dangerous weapons. The petitioner was involved in three other cases bearing FIR No. 158 dated 21.06.2019 under Sections 452, 323, 148 and 149 IPC, Police Station Sri Muktsar Sahib, FIR No.192 dated 11.06.2020 under Sections 458, 326B, 427, 380, 506, 148, 149 and 188 IPC, Police Station City Sri Muktsar Sahib and FIR No.269 dated 13.10.2019 under Sections 61, 1, 14 of the Excise Act, Police Station Sri Muktsar Sahib. He, however, fairly concedes that the material witness i.e. the complainant-injured Sukhwinder Singh had been examined and two of the co-accused of the petitioner, namely, Dheeraj and Manod Kumar @ Mandar had been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. Keeping in view the period of custody undergone by the petitioner, the fact that the material witness has been examined and two co-

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have been granted the similar relief, no useful purpose would be served by keeping the petitioner incarcerated.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Nasib Khan is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case other than the case(s) referred to hereinabove.

9. In addition, the petitioner (or someone else on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

October 31, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No