

CRM-M-51697-2023 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(230)

CRM-M-51697-2023
Date of decision:- 21.11.2023

Baljinder Singh @ Raju Sap ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Nikhil Chopra, Advocate
for the petitioner.

Mr. A.P.S.Tung, DAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
79	20.05.2022	Division No.2, Ludhiana, District Police Commissionerate Ludhiana	323, 324, 148 and 149, IPC (Section 326, IPC was added later on)

2. Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Arjun Singh, wherein he has alleged that when he was standing outside a liquor vend, 10-12 persons, riding motorcycles came and attacked him. Rakesh Mehandi was one of the assailants. They hit him with *daat* (a sharp edged weapon) as well as wooden sticks and baseball bats and when passers-by started gathering, the accused fled.

3. Counsel for the petitioner has contended that petitioner is not named in the FIR nor does he have any enmity with the complainant. He urges that petitioner has been arraigned on the basis of disclosure statement of Rakesh Mehandi and was arrested on 24.09.2022. He submits that petitioner is an accused in some other criminal cases, but he has never been convicted. He asserts that the petitioner is no longer required for custodial interrogation as investigation is complete and final report has been presented before the Competent Court.

4. Per Contra, State counsel upon instructions from ASI Jasvir Singh, submits that the complainant has suffered 04 injuries and a baseball bat has been recovered from the petitioner. He has opposed the petition by filing Custody Certificate dated 20.11.2023 and asserting that the petitioner does not enjoy a clean past. Still further, he submits that *challan* has been presented and charge has been framed in August, 2023.

5. I have heard counsel for the parties and considered their respective submissions.

6. The role attributed to the petitioner, the nature of injury allegedly inflicted by him and the legality of the incriminating statement of co-accused, would remain a subject matter of debate before the Trial Court. Noticing the custody period of almost 14 months, stage of proceedings and a remote possibility of an early conclusion of the trial, this Court has no hesitation in accepting the prayer made in the petition.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is

ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. While being released on bail, petitioner shall furnish an undertaking by way of an affidavit that henceforth he will not get involved in any unlawful activity. In case, he violates the condition, liberty is granted to the State to seek cancellation of bail.

9. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

21.11.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No