

CRM-M-54983-2023

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222

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54983-2023

Date of decision :09.11.2023

VICKY SINGH @ RADDI

... Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gazi Mohd. Umair, Advocate
for the petitioner(s).

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

This 5th petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.222 dated 06.12.2021 registered under Sections 148, 149, 307, 323, 324, 341, 427, 506 IPC (Section 325 IPC added later on) at Police Station City Sangrur, District Sangrur.

2. The present FIR came to be registered at the instance of Ravi Chawla son of Charan Dass who stated that he was a former M.C. and a worker of a political party. On 06.12.2021, he had gone to drop his children to the school bus on his Activa. While riding back, one Rakesh Kumar was following him on his motorcycle. Near the house of Mr. B.K. Goyal, Advocate at about 08.20 AM in the morning, a white colour car Brand Figo came from behind and struck his scooter. Because of the accident, he fell down. Suddenly, four young boys including Nigam @ Lucky (granted bail vide order dated 31.01.2023 passed in CRM-M-14007-2022) holding a Kirpan in his hand, Jassi son of Gurmeet Kala

holding an iron rod, Pawan Kumar alias Johnny son of Balveer Chand holding an iron sickle and Vicky Singh @ Raddi (petitioner) son of Joginder Singh came out of the car. Babbi son of Jagar Singh was sitting on the driver seat of the car. Four other unknown persons were already standing there. As soon as, he got out of the car, Nigam @ Lucky gave a *Kirpan* blow towards his head which struck his right cheek under the right eye, then Pawan Kumar gave a blow of an iron sickle towards his head with the intention of killing. He stepped back and the sickle struck the left side of his forehead and he fell down. Thereafter, Jassi gave a blow of an iron rod held in his hands on his right and left arms striking both his arms. Then, he was attacked on his legs below the neck. Then Radi gave a blow of an iron rod towards his head. On his raising his right hand, the said blow struck the left hand finger and his forehead. Then Pawan Kumar gave an iron sickle blow on the middle of his forehead and four other unknown persons started punching and kicking him while he was lying fallen on the ground. When he tried to run away, the accused surrounded him and threatened him. On his raising an alarm, they fled away from the spot.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The co-accused namely, Nigam @ Lucky has already been granted the concession of bail by this Court vide order dated 31.01.2023 passed in CRM-M-14007-2022. As the petitioner was in custody since 12.05.2022 and only 03 of the 21 prosecution witnesses had been examined so far,

he was entitled to the concession of bail even though, there were multiple cases registered against him.

4. On the other hand, the learned State counsel contends that though, the co-accused of the petitioner had been granted the concession of bail, the petitioner was not similarly situated inasmuch as 08 other cases stood registered against him bearing FIR No.177 dated 07.11.2019 under Sections 25, 54, 59 of Arms Act, Police Station City-I, Sangrur, FIR No.57 dated 01.01.2018 under Sections 341, 323, 148, 149, 325 IPC, Police Station Longowal, FIR No.107 dated 30.06.2021 under Sections 452, 323, 506, 148, 149 IPC and Sections 25/54/59 of Arms Act, Police Station City-I, Sangrur, FIR No.86 dated 30.05.2021 under Sections 307, 458, 341, 335, 506, 148, 149 IPC and Section 25 of Arms Act, Police Station City Sangrur, FIR No.313 dated 15.12.2020 under Sections 452, 323, 341, 427, 506, 148, 149 IPC Police Station City Sangrur, FIR No.50 dated 09.05.2019 under Sections 61/1/14 Excise Act Police Station Moonak, FIR No.17 dated 24.02.2022 under Sections 148, 149, 307, 323, 325, 341, 427, 506 IPC, Police Kotwali Nabha, FIR No.302 dated 01.01.1900 under Sections 307, 341, 323, 325, 506, 34 IPC, Sadar Dhuri, FIR No.52 dated 01.01.1900 under Sections 341/323/34 IPC Police Station City Sangrur and FIR No.104 dated 01.01.1900 under Sections 323, 325, 188, 34 IPC Police Station City Sangrur. The last bail application of the petitioner which was the 4th one had been withdrawn as recently as on 16.08.2023 and there were no change in circumstances warranting interference by this Court. She,

therefore, contends that the petitioner was not entitled to the concession of bail.

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

6. Admittedly, the petitioner is a history-sheeter with as many as 08 cases registered against him. Though, the co-accused has been granted the concession of bail, the case of the petitioner is on a different footing inasmuch as the petitioner is an accused in 8 other cases and there is every possibility that he would abscond from justice in case he is granted the concession of bail. Further, there are no changed circumstances warranting grant of bail to the petitioner as his 4th bail application was withdrawn on 16.08.2023 (Annexure P-7).

7. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

8. However, in case there is delay in the conclusion of the Trial, the petitioner is at liberty to approach this Court with a renewed prayer for bail.

(JASJIT SINGH BEDI)
JUDGE

09.11.2023
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No