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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59182-2022

Date of decision :10.04.2023

KARANVIR SINGH @ KARAN WALIA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 of Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0084 dated 05.06.2021 registered under Sections 307, 323, 201, 148, 149, 506 IPC, 1860 at Police Station Division No.7, Ludhiana.

2. The brief facts of the case are that Major Singh son of Ranbir Singh got recorded his statement to the effect that he was a student of +2. On 03.06.2021 at about 08.30 PM two motorcycles came from the side of temple street. Arun Sharma, Vishal alias Vishu Thatha, Manni Lawrence alias Manni Singh, Sarabjot Singh alias Raja Bajaj, Karanvir Singh @ Karan Walia (petitioner) and Himanshu Verma alias Manni came to the spot. Manni Lawrence alias Manni Singh threatened him (complainant) with a pistol like object. On being threatened he (complainant) attempted to flee away. However, Karanvir Singh alias

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Karan Walia (petitioner) and Himanshu Verma alias Manni caught hold of him. Vishal alias Vishu Thatha gave a sword blow with an intention to kill him on his head striking at the left-side. Manni Lawrence alias Manni Singh attempted to give him a sword blow on the head but the same struck his (complainant's) fingers. Sarabjot Singh alias Raja Bajaj and Manni Lawrence alias Manni Singh attempted to stab him (complainant) with a sword on the head but the same struck his right hand. When he fell down, Arun Sharma gave him a blow with a *Lathi* on the left side of his waist and other parts of the body. On his screaming, his mother came out of the house along with one Charanjit Singh. The accused left the spot along with their weapons.

3. The learned counsel for the petitioner contends that the present FIR has been registered after a delay of 02 days. The occurrence took place on 03.06.2021 whereas the FIR came to be registered only on 05.06.2021 and no reason has been furnished for this delay. The petitioner had only been attributed the role of having caught hold of the injured. No offence under Section 307 IPC was made out as the injuries were either simple or grievous in nature and no injury had been declared to be dangerous to life. Himanshu Verma alias Manni had been granted the concession of bail vide order dated 28.10.2021 (Annexure P-2) passed by the Additional Sessions Judge, Ludhiana. Similarly, Sarabjot Singh alias Raja Bajaj had also been granted the concession of regular bail by this Court vide order dated 02.08.2022 (Annexure P-3). Arun Sharma and Vishal had been granted the concession of anticipatory bail

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by this Court vide orders dated 16.03.2022 and 12.09.2022 (Annexures P-4 & P-5). As the petitioner was in custody since 16.08.2022 and the report under Section 173(2) Cr.P.C. stood presented, he was entitled to the grant of regular bail since in all the other FIRs registered against him, he had been granted the concession of bail.

4. On the other hand, the learned State counsel contends that though some of the accused have been granted the concession of either anticipatory bail or regular bail, the petitioner was not entitled to the similar relief as he was an accused in as many as 14 other cases. Therefore, in view of his criminal antecedents he was likely to abscond if the said concession was granted to him.

5. I have heard the learned counsel for the parties at considerable length.

6. Though, it is not in doubt that some of the co-accused of the petitioner have been granted the concession of either anticipatory bail or regular bail, it is equally true that the petitioner is an under-trial in as many as 10 other cases. In four of the said cases, the FIR stands registered under Section 307 IPC, whereas there is one case under the NDPS Act. Further, production warrants stand issued against the petitioner in 04 other cases. In such a scenario, if the petitioner is granted the concession of regular bail, there is every likelihood of him absconding from justice.

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7. In view of the above discussion, the petitioner does not deserve the concession of regular bail and the present petition is ordered to be dismissed.

8. However, the Trial Court is directed to conclude the Trial within a period of 06 months from the next date fixed before it.

9. It is made clear that the observations in this order are only for the purposes of deciding this bail application and the Trial Court is free to adjudicate upon the matter in accordance with law.

(JASJIT SINGH BEDI)
JUDGE

10.04.2023
JITESH