

CRM-M-17474-2024

[1]



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

CRM-M-17474-2024

Date of decision: 12.07.2024

Ajay @ Ajay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Kuldip Singh, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking grant of regular bail to the petitioner in case having FIR No.14 dated 03.02.2024, under Sections 186, 353, 332, 323, 427, 379-B, 506, 148, 149 IPC (Section 333 IPC and Section 3 of Damages of Public Property Act, 1984 added later on), at Police Station City Jalalabad, District Fazilka.

2. The allegations in nutshell are that complainant Harjinder Singh a driver of Punjab Roadways Bus No. PB-05-AP-7727 had reported to the police that on 03.02.2024 at about 12:50 PM, when he was driving the aforesaid bus having passengers and conductor Purshottam Kumar and reached in the area of Tiwana Chowk, FF Road, Jalandhar, there was some traffic jam and he requested one person to move his motor cycle ahead, on which, the said person started arguing with the complainant and tried to pull him out of the bus and the said person started proclaiming that he is Lakhwinder Singh @ Lakhu and he called his associates at the spot, all of whom were armed with iron rods wooden logs etc. and damaged the windowpanes of the bus. In the meantime, co-accused Gindi along with two other persons dragged the complainant outside the bus and started thrashing him with their weapons. The accused persons also attacked Balwinder Singh

and Purshottam Kumar who tried to intervene and the accused persons also took away of Rs.17-18000/- lying in the bag of conductor. The petitioner was arrested on 15.02.2024 by the police.

3. The counsel for the petitioner submits that petitioner who was not named in the FIR was falsely implicated in the present case on the basis of alleged disclosure statement suffered by co-accused Lakhwinder Singh @ Lakhu. It is further submitted that the petitioner is incarcerated since 15.02.2024 and during investigation no incriminating article was recovered at his instance by the police. It is further submitted that on completion of investigation, police has presented the challan but charges are still to be framed and that petitioner is also involved in two other criminal cases wherein he is enlarged on bail and the counsel produced copies of the concerned bail orders which are taken on record. Counsel for the petitioner further submits that it will take time for trial to conclude and in the given circumstances, no purpose will be served by prolonging judicial custody of the petitioner.

4. The present petition is resisted by the State counsel who on instructions HC Partap Singh submits that petitioner was actively involved in the occurrence as was reported by the complainant who was driver of bus No.PB-05-AP-7727. However, the State counsel has not disputed the fact that petitioner was not named in the FIR and impleaded as accused on the basis of disclosure statement suffered by co-accused Lakhwinder Singh @ Lakhu and was arrested on 15.02.2024 and the fact that no weapon or any other incriminating article was recovered from his possession. The State counsel also apprised that challan has been presented but charges are still to be framed against the present petitioner who is also involved in two other criminal cases.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the petitioner who was not named in the FIR was later on nominated as accused on the basis of disclosure statement suffered by co-accused Lakhwinder Singh @ Lakhu and the said disclosure statement will be tested during trial. Petitioner was arrested in this case on



15.02.2024 and no incriminating article was recovered from his possession and presently, petitioner is lodged in judicial custody and after completion of investigation challan stands presented but trial will commence only after framing of charges and it will take considerable time for trial to terminate. As has been submitted by counsel for the petitioner, the petitioner is already released on bail vide orders dated 31.08.2021 and 30.06.2023, in two other criminal cases faced by him.

7. In the given circumstances no fruitful purpose is going to be served by detaining the petitioner in custody for any longer period.
8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.07.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No