

**CRM-M-19092-2024 (O&M)****1****106+205****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-19092-2024 (O&M)****Decided on : 30.08.2024****LUCKY SINGH**

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Vinay Kumar, DAG, Punjab.

Mr. Munish Puri, Advocate for complainant.

KIRTI SINGH, J. (Oral)**CRM-32925-2024**

This is an application under Section 482 Cr.P.C. for placing on record Annexures P-3 to P-5 an exemption from filing certified copies.

Heard. For the reasons mentioned in the application, the same is allowed and Annexures P-3 to P-5 are taken on record subject to all just exceptions.

CRM-34202-2024

This is an application under Section 482 Cr.P.C. praying for addition of offence under Section 324, 379-B, 411, 201 IPC in the head note and prayer clause of the bail application.

Allowed as prayed for.

**Main Case**

The jurisdiction of this Court under under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.165 dated 24.12.2023 under Sections 307, 323, 341, 427, 148, 149, 324, 379-B, 411, 201 IPC registered at Police Station Division No.2, District Pathankot.

2. The brief facts of the prosecution case are that the FIR has been registered on the statement of complainant Robin Singh Advocate, who on 22.12.2023 received call from his friend Lakshay stating that he has been restrained by four persons near Old Complex, Court Pathankot. The complainant alongwith his cousin Deevash Saroch reached at the spot. However, there were five persons, two of them were armed with Datar (Billhook), one was armed with sharp edged knife and they caused injuries to the complainant and his cousin Deevash Saroch. There are allegations that one more swift car also came at the spot and four young boys alighted from the same who were also armed with sharp edged weapons and they caused injuries to the complainant and his cousin. On the basis of these allegations FIR was registered.

3. Learned counsel for the petitioner *inter alia* submits that petitioner has not been named in the FIR and no injury is attributed to the petitioner. He also submits that complainant had specifically mentioned names of 04 accused who are alleged to be armed with sharp edged weapons and otherwise all the injuries were declared simple in nature. He further submits that the petitioner has already undergone an actual custody of 06 months and 04 days.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody



certificate, the petitioner has undergone actual custody of 06 months and 04 days. Moreover, on instructions from SHO Shohrat Mann, he submits that charges were framed on 29.08.2024. He also submits that out of total 22 prosecution witnesses, none has been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by both the parties.
6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. Admittedly, charges have been framed on 29.08.2024 and out of 22 prosecution witnesses, none has been examined till date. The petitioner has undergone actual custody of 06 months and 04 days and he is not involved in any other criminal case.
7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-
 - (i) The petitioner will not tamper with the evidence during the trial.
 - (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
 - (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
 - (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.



(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

30.08.2024
Kavita

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No