

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

CRM-M-33779-2023

DECIDED ON: 14.02.2024

AMRIK RAM @ AMRIK SINGH @ MIKA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jagmeet Singh Moudgil, Advocate
for the petitioner.

Mr. S.S. Gill, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No.29, dated 15.02.2023 (Annexure P-1), under Sections 307, 323, 324, 325, 506, 148 and 149 IPC and Section 341 IPC (added later on), registered at Police Station City Sunam, District Sangrur, Punjab.

2. Learned counsel for the petitioner contends that the allegations against the petitioner is that he has given iron rod blow on the legs of the victim though the same are neither dangerous to life nor on the vital part of the body and hence, argues that provisions of Section 307 IPC would not be attracted qua him in the instant FIR, who is stated to have suffered custody of almost one year. He also informs the Court that charges have already been framed and case is at the stage of prosecution evidence and therefore, no useful purpose would be served by keeping the petitioner behind the bars.

3. Learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He submits that the petitioner has played active role in the commissioning of offence, who is attributed with specific injuries given on the leg with iron rod to the victim though could not controvert the fact that the injuries inflicted upon the victim are not dangerous to life.

4. Be that as it may, *prima facie* at this stage for consideration of the instant petition for regular bail, this court is convinced that the injuries attributed to the petitioner is not on vital part of the body of the complainant-victim.

5. Looking into the fact that the petitioner has suffered incarceration for a period of 11 months and 23 days and is not involved in any other case, meaning thereby he is a man of clean antecedents, as is evident from the custody certificate and also the fact that charges have already been framed and out of total 25 witnesses, none has been examined till date, meaning thereby the trial is at the initial stage.

6. This Court is sanguine of the fact that according to the proposition settled by the Apex Court that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule and jail is an exception*".

7. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as "***Baljinder Singh alias Rock vs. State of Punjab***" decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no

doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

8. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. In the afore-said terms, the present petition is hereby allowed.

10. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

14.02.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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