

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

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**CRM-M-39050-2024
Date of decision: 20.08.2024**

**RAJINDER SINGH ALIAS RAJVIR SINGH ALIAS RAJWINDER SINGH
....Petitioner**

Versus

STATE OF PUNJAB ...Respondent

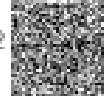
CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Ramandeep Kaur, Advocate
Mr. Monty Goyal, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.251 dated 22.12.2023, under Sections 323, 324, 341, 506, 148, 149 of the IPC (Sections 307 and 201 of the IPC added subsequently), registered at P.S. Sadar Khanna, District Ludhiana.
2. The genesis of the present FIR, is embodied in a statement made by one Mandeep Singh (hereinafter referred to as the 'complainant'). Succinctly stated, the allegations which constituted the bedrock for registration of the present FIR are that, on 21.12.2023, at about 04:20 p.m., when the complainant, after dropping school children to their respective houses in his bus, reached the area of Village Ikolahi, where he noticed one Alto Car bearing No.PB-10CS0185, being parked on the road. In the meantime, a cart also came on the road, whereupon, the complainant slowed down his bus, and then Jagpreet Singh @ Jagga, Rajvir Singh @ Chakohi, Kamal Khatra, Ladi Kamma, Baniya Khanna, Bhagwant Singh and



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one unknown person, armed with iron rods and swords, alighted from the said car and waylaid his bus. Then, these aforesaid persons entered in his bus, and caused injuries to him and also broke the windshields of his bus.

3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

(i) Although the petitioner has been named in the FIR (supra), however, the injury(ies), which has been declared “dangerous to life”, has not been attributed to him;

(ii) The co-accused of the petitioner has already been granted the relief of regular bail by this Court, in CRM-M-26709-2024, vide order dated 30.05.2024 (Annexure P-5)”;

(iii) The petitioner has clean antecedents, as he is not involved in any other case, and he has suffered incarceration of more than 2 months, as of today;

4. Per contra, the learned State counsel has vociferously opposed the grant of regular bail to the petitioner. He has also placed on record the custody certificate *qua* the petitioner, as issued by the Superintendent, Central Jail, Ludhiana. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 02 months and 09 days, as of today. Moreover, on instructions imparted to him by ASI Shamsheer Singh, he has verified that, the Final Report was filed on 12.03.2024 and the trial is yet to commence.

5. This Court has heard the learned counsel for the parties concerned, and has gone through the instant petition, and is of the considered opinion that the instant petition is amenable for being allowed.

6. The reason for forming the above inference emanates from the factum



that:- (i) The petitioner is on co-pedestal as that of his co-accused, who has already been granted the relief of regular bail by this Court, in CRM-M-26709-2024, vide order dated 30.05.2024 (Annexure P-5); (ii) as per custody certificate, the petitioner has clean antecedents, as he is not involved in any other case, and he has suffered incarceration of 02 months and 09 days, as of today; (iv) The Final Report was filed on 12.03.2024 and the trial is yet to commence (v) No fruitful purpose would be served by keeping the petitioner behind the bars, (vi) Trial is not likely to conclude anytime soon..

7. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

10. All pending application(s) stand **disposed** of accordingly.

20.08.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No