

CRM-M-57745-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(225/2)

CRM-M-57745-2023
Date of Decision:- 01.02.2024

Randhir Singh @ Dheeru

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Kamaldeep S. Sidhu, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition is for grant of regular bail to the petitioner in case FIR No.116 dated 21.05.2022, under Sections 307, 323, 506, 148 and 149 of the Indian Penal Code and (Sections 148 and 149 IPC were deleted and Sections 341 and 34 IPC were added later on) registered at Police Station Tripuri, Patiala (Annexure P-1).
2. Learned counsel for the petitioner relies upon Annexures P-5 and P-6 and seeks parity. Learned counsel for the petitioner further submits that the allegation in the FIR is that the injuries were inflicted by iron *patti* and the alleged iron rod has been recovered from the petitioner. He further submits that the petitioner is in custody since 02.06.2022.
3. Custody certificate of the petitioner has been filed by the State, which is taken on record, according to which, the petitioner is in custody for 1 year, 08 months and 01 day (as on 31.01.2024).

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4. Learned State counsel submits that, in fact, the present FIR was lodged as the petitioner is undergoing incarceration under the offence of Section 307 IPC and during the incarceration he had a fight. He further submits that there are certain other cases against the petitioner.

5. At this stage, learned counsel for the petitioner has reiterated that the details of all the other cases as narrated in the para 13 of the paper book demonstrates that the petitioner has been acquitted in two of the cases and in one case, cancellation report has been filed, which was accepted and other two cases are pending, however, reiterates the claim of parity.

6. In light of the above and considering the fact that the petitioner is in custody for last 01 year, 08 months and 01 days and the fact that the trial is likely to take long time, therefore, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to the concession of regular bail.

7. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa

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Magistrate, concerned.

- iv. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.
8. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.
9. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail.
10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

February 01, 2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No