



CRM-M-64018-2023 (O&M)

-1-

202

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-64018-2023
Date of Decision: 13.08.2024

Major Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shivender Pal Singh, Advocate for
Mr. B.S. Bhalla, Advocate,
for the petitioner.

Mr. A.S. Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.183 dated 06.09.2023, under Sections 307, 379-B, 341, 332, 353, 186, 427, 506, 148 & 149 IPC, registered at Police Station Ajnala, District Amritsar.

2. Learned counsel for the petitioner submitted that the total custody of the petitioner is about 11 months and the investigation of the case has already been completed and thereafter, even charges have also been framed on 06.02.2024, but till date no prosecution witness has been examined. He further submitted that earlier the petitioner had filed a petition before this Court which was dismissed on 15.11.2023 but thereafter, on 06.12.2023, after completion of investigation, the challan was presented before the trial Court, which is a change of circumstance and therefore, the



CRM-M-64018-2023 (O&M)

-2-

present successive bail petition has been filed. He also submitted that even otherwise also there was no active role attributable to the petitioner but the allegation against him is that he was holding a *Datar* in his hand when the mining party raided the place. He further submitted that the petitioner has clean antecedents and is not involved in any other case. He also submitted the other co-accused, namely, Ninder Singh to whom the injury was attributed, has already been granted anticipatory bail by a Co-ordinate Bench of this Court which has since been made absolute. He further submitted that now no recovery is to be effected from the petitioner and considering the aforesaid facts and circumstances, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. A.S. Pannu, learned AAG, Punjab submitted that it is correct that the petitioner is in custody for 11 months and after completion of the investigation, the challan has been presented and now even the charges have also been framed but till date no prosecution witness has been examined. He further submitted that it is correct that the petitioner has clean antecedents and is not involved in any other case and the aforesaid co-accused to whom the injury was attributed, has already been granted anticipatory bail by a Co-ordinate Bench of this Court. He also submitted on instructions that no injury was attributable to the petitioner but the petitioner was only present at the spot and was carrying a *Datar*.

4. I have heard the learned counsels for the parties.

5. The petitioner has already faced incarceration for 11 months and in the present case, the charges have been framed on 06.02.2024 but till date no prosecution witness has been examined. As per the learned counsels



CRM-M-64018-2023 (O&M)

-3-

for the parties, the petitioner has clean antecedents and is not involved in any other case and the role of the petitioner is that he was carrying *Datar* and was a part of unlawful assembly but no injury was attributable to him. Even otherwise also, the main accused, namely, Ninder Singh, to whom the injury was attributed, has already been granted anticipatory bail by a Co-ordinate Bench of this Court which has since been made absolute. Furthermore, it is neither the case of the State nor it has been so argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may repeat the offence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

13.08.2024
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |