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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64840-2023
Date of decision: 09.01.2024

CHARANJIT SINGH @ VICKY

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. A. S. Manaise, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.11 dated 26.01.2022, under Sections 307, 341, 148, 149, 323, 324, 325 and 326 of the IPC, registered at Police Station Taragarh, District Pathankot, Punjab.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for more than 1 year and 9 months and he has clean antecedents and is not involved in any other case. He further submitted that as per the allegations, the petitioner and the other co-accused have collectively caused injuries to the complainant and the role attributed to the petitioner was of giving fist blows and kick blows. He also submitted that the other co-accused, namely, Rohit Kumar

@ Rohan, Saurav Saini and Deepak Sharma @ Deepu have already been extended the benefit of regular bail by this Court vide Annexures P-3 and P-4, respectively, and the petitioner is exactly at parity with the aforesaid co-accused. He further submitted that the trial of the case is not progressing in view of the fact that after the examination-in-chief of the complainant, an application was moved by the prosecution under Section 319 Cr.P.C. for summoning of additional accused and in this way, the trial could not progress with a result that the petitioner, who is otherwise having clean antecedents has suffered incarceration for more than 1 year and 9 month.

3. On the other hand, Mr. Rajiv Verma, DAG, Punjab has filed the custody certificate of the petitioner in Court today and the same is taken on record. As per the custody certificate, the petitioner is in custody for 1 year, 9 months and 28 days. He submitted that it is correct that the petitioner is not involved in any other case and has clean antecedents and it is also correct that he is at parity with the aforesaid co-accused, who have already been extended the benefit of regular bail by this Court as aforesaid. He has however submitted that the petitioner was instrumental in causing injuries to the complainant and therefore, he is not entitled for the grant of regular bail.

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

5. It is a case where the petitioner is in custody for 1 year, 9 months and 28 days and he is stated to be not involved in any other case and has clean antecedents. The petitioner is stated to be at parity with the aforesaid co-accused, who have already been extended the benefit of regular bail by this Court vide Annexures P-3 and P-4. As per the learned counsel for the petitioner,

after the examination-in-chief of the complainant, an application under Section 319 Cr.P.C. was filed by the prosecution for summoning of additional accused, which is still pending and in this way, it appears that the trial of the case is taking long time to conclude and the petitioner has already suffered incarceration for 1 year, 9 months and 28 days. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

09.01.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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