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

**CRM-M No.15619 of 2025
Date of Decision: 15.05.2025**

Amarjit @ Tota**..... Petitioner****Versus****State of U.T., Chandigarh****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Amit Kumar, Advocate
for the petitioner.

Mr. Manish Bansa, P.P., UT, Chandigarh;
Mr. Ganesh Sharma, APP, UT, Chandigarh and
Mr. Navjit Singh, Advocate
for the respondent-State.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.111, dated 09.11.2023, under Sections 147, 148, 149, 341, 325, 379-A, 452 & 506 of IPC (Section 379-A IPC removed later on), registered at Police Station Sarangpur, Chandigarh.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Parvesh @ Baba. It was alleged tat on 08.11.2023, at about 02:20 A.M., he heard the cries of some women and thus he opened the door. He saw Amarjit @ Tota (petitioner) along with 5-6 boys was standing in front of the door. The complainant tried to close the door but Amarjit @ Tota (petitioner)



along with accomplices pushed the door and the complainant was pulled out of his house. All of them started beating with sticks, rods and swords. The complainant was given injuries by Amarjit @ Tota on his legs and thus the complainant suffered injuries and fell down. They continued gave beating to him. However on raising alarm, all the assailants escaped from the scene of occurrence. The complainant alleged that about 03 years ago, he had a dispute with Amarjit @ Tota, i.e. the petitioner, however the same was compromised but as Amarjit @ Tota was nurturing a grudge against him, hence to take the revenge, he has beaten the complainant. The request was made to take the legal action against the accused. On registration of the FIR, the investigation commenced. The petitioner was arrested on 21.06.2024. The petitioner approached the Court of learned Additional Sessions Judge, Chandigarh praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Chandigarh declined the petition filed by the petitioner vide order dated 01.03.2025. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M No.49874 of 2024 praying for the grant of bail. However the same was allowed to be dismissed as withdrawn with liberty to the petitioner to avail his remedies under the law vide order dated 14.02.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that though the FIR was registered for the offences under



Sections 147, 148, 149, 341, 325, 452 & 506 of IPC along with section 379-A of IPC, however, during the investigation, offence under Section 379-A of IPC was deleted and presently the petitioner is facing prosecution for the offences primarily under Sections 147, 148, 149, 341, 325, 452 & 506 of IPC. He has submitted that the complainant himself is a person of criminal background, who is facing prosecution in 02 other cases. He has submitted that in one of those cases, the complainant has declared proclaimed offender as well. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 21.06.2024, however no witness has been examined till date. He has further submitted that though the petitioner is involved in 14 other cases, however in 08 of those cases, the petitioner has been acquitted and in 03 cases, he has been convicted and rest of the cases, he is on bail in those cases. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that the petitioner is a habitual offender. He has submitted that there are specific allegations against the petitioner of having trespassed in the house of complainant in the night and thereafter caused injuries to him. He has submitted that as per the record, the petitioner is facing prosecution in 14 other cases. He has placed on record custody certificate of the petitioner dated 15.05.2025. He, on instructions, has submitted that out of 13 prosecution witnesses, none has been examined till date.

5. Heard.

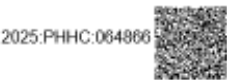


6. After hearing learned counsel for the parties and perusing the record, it is inferred that the occurrence in the present case has taken place on 08.11.2023 at about 02:20 A.M. it has argued before this Court that the complainant is facing prosecution in 02 other cases and in one of the cases, he has been declared as proclaimed offender. It has also been argued that as the complainant is proclaimed offender, hence he is intentionally not appearing before the learned trial Court for his examination. The petitioner though has the record of other cases but in 08 of those cases, he has been acquitted and rest of the cases, he is on bail. Even otherwise, simply because the petitioner is involved in other cases, the same in itself cannot be a ground for non consideration of the bail, if he is found to be entitled for the grant of bail in the case in hand.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, 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 concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

9. Learned State counsel has submitted before this Court that the petitioner is a habitual offender and thus there is every possibility that



he will misuse the concession of bail. In case the petitioner is found to have misused the concession of bail granted by this Court, the State would be at liberty to approach this Court for cancellation of his bail.

15.05.2025
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(RAJESH BHARDWAJ)
JUDGE

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