

Present: Sh. KS Kahlon, Advocate for applicant/accused.
Ms. Taranvir Kaur, Additional Public Prosecutor for the State
with ASI-Joginder Pal, PP Jadla.

ORDER:

Police record produced. File of this Court, pending for 29.04.2022 also attached. Report of Ahlmad perused.

2. Heard on the third bail application under Section 439 Cr.P.C. filed by applicant/accused Harwinder Singh @ Khalsa @ Harminder Singh son of Ujagar Singh, resident of Village Rakasan, District SBS Nagar, in case FIR No.54, dated 22.05.2018, under Sections 307, 323, 324, 325, 341, 148, 149 & 120-B IPC, PS, Sadar Nawanshahr.

3. Learned counsel for the applicant/accused has vehemently argued that applicant/accused was on interim bail and same was pending in the Hon'ble High Court and applicant/accused remained on interim bail and never violated any condition during this time. He has further argued that applicant/accused has surrendered in this Court as per the orders of Hon'ble Punjab and Haryana High Court and now, he is in judicial custody since 22.03.2022. He has also argued that investigation of case is already complete and applicant/accused is not required by police agency. He has further argued that no recovery is to be effected from the applicant/accused and conclusion of trial may take some time and no useful purpose would be served by detaining the applicant/accused behind bars any more. Lastly, he has prayed to allow the bail application.

4. These contentions have been rebutted by learned Additional Public Prosecutor for the State contending that the applicant/accused has

inflicted injuries on legs of the complainant with sharp edged weapon i.e. kirpan. She has also contended that both the previous bail applications filed by applicant/accused have already been dismissed by this Court vide orders dated 19.04.2019 and 21.06.2019. She has also argued that bail application of applicant/accused was also dismissed by Hon'ble Punjab & Haryana High Court on 17.05.2019 and even bail application bearing CRM-M-30196 of 2019 has been dismissed as withdrawn by Hon'ble Punjab and Haryana High Court vide order dated 06.04.2022. She has further argued that there is no change in the circumstances and there are serious allegations against the applicant/accused, thus, no new material has been produced by applicant/accused entitling him to file present bail application. Lastly, prayer to dismiss the present bail application has been made.

5. I have considered the rival contentions raised by learned counsel for the applicant/accused and learned Additional Public Prosecutor for the State. I have also perused the record.

6. No doubt, two bail applications were dismissed by this Court vide orders dated 19.04.2019 and 21.06.2019 and one bail application of applicant/accused has been dismissed by Hon'ble Punjab & Haryana High Court on 17.05.2019 and another bail application bearing CRM-M-30196 of 2019 has been dismissed as withdrawn by Hon'ble Punjab and Haryana High Court vide order dated 06.04.2022 but perusal of order dated 06.04.2022 passed in CRM-M-30196 of 2019 reveals that learned counsel for the applicant/accused submitted before the Hon'ble Punjab and

Haryana High Court that the petitioner has surrendered before the Trial Court on 22.03.2022 and he sought withdrawal of said petition with liberty to file a fresh regular bail application before the Trial Court in view of the changed circumstances. Accordingly, said bail application was dismissed as withdrawn with liberty as prayed for. Vide said order, Hon'ble Punjab and Haryana High Court was pleased that in case, the petitioner moves a regular bail application before the Trial Court, the same shall be decided afresh, without taking into consideration the observations made in the earlier order declining the bail.

7. Record reveals that applicant/accused was arrested in this case on 26.03.2019. Thereafter, as per order dated 24.07.2019 passed by Hon'ble Punjab and Haryana High Court in CRM-M-30196 of 2019, applicant/accused was admitted to interim bail and he furnished bail/surety bonds on 25.07.2019 and thereafter, as per order dated 15.03.2022 passed by Hon'ble Punjab and Haryana High Court in CRM-M-30196 of 2019, applicant/accused has surrendered in this Court on 22.03.2022 and since then, he is in custody.

8. As per the prosecution story, applicant/accused has inflicted injuries to Mangat Rai on his back with reverse side of kirpan, which is with blunt weapon and said injury has been declared as simple. He has also allegedly given injuries to Tara Singh on his right knee with kirpan and as per the MLR of Tara Singh, said injury is with blunt weapon and grievous in nature, which attracts the offence under Section 325 IPC, whereas, the injury caused to Mangat Rai attracts the offence under

Section 323 IPC.

9. After presentation of challan, charge has also been framed by this Court on 02.08.2019 and as discussed above, the applicant/accused remained in custody w.e.f. 26.03.2019 to 25.07.2019 and then w.e.f. 22.03.2022 till date. Conclusion of trial may take some time. No useful purpose would be served by keeping him behind bars any more. Accordingly, without commenting on the merit of the case, applicant/accused is admitted to bail on furnishing bail bonds in the sum of ₹1,00,000/- with one surety in the like amount. Bail/surety bonds not furnished. Police record be returned and bail application file be attached with main file, pending for 29.04.2022.

Pronounced.
Dated:16.04.2022.

Randhir Verma,
Additional Sessions Judge,
Shaheed Bhagat Singh Nagar.
(UID No.PB-165)

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