

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No. 37875 of 2018

Date of decision : 25.02.2019

Sarthik (minor) through his mother Rita

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Zorawar Singh Chauhan, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 370 dated 16.10.2017 under Sections 307, 324, 452, 363, 511, 148, 149, 120-B of the Indian Penal Code, 1860 (for short - 'IPC'), registered at Police Station – Phillaur, Distt. Jalandhar, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated, whereas neither he was present at the place of occurrence nor participated in action of causing injuries to the injured. Only allegation against him is of criminal conspiracy under Section 120-B IPC but no such evidence has been collected during the investigation. He has been implicated on the basis of statement made by the co-accused. Learned counsel also submits that bail application filed by the petitioner has been dismissed only on the ground that the co-accused, who has caused the

injuries, has not been arrested. Petitioner is in custody since 13.04.2018. Trial may take some time to conclude as only charges have been framed after presentation of challan. No purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period as well as stage of the trial and also the role of the petitioner as allegation against him is of conspiracy.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record including the order passed by the lower Court.

By considering the role of the petitioner that he has been implicated on the basis of allegation under Section 120-B IPC; he is in custody since 13.04.2018; trial may take some time, no purpose would be served by keeping the petitioner in custody. Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

However, it is made clear that in case the petitioner is found to be involved in any case or misuse concession of bail, the State is at liberty to move application for cancellation of bail.

25.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No