

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

**CRM-M No.31500 of 2019 (O&M)
Date of Decision: 25.09.2019**

Rahul

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S.Thakur, Advocate for the petitioner.

Mr. Venu Gopal Jauhar, Sr. DAG, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.19 dated 29.01.2019 (P-1), under Sections 323, 324, 326, 307, 451, 506, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Division No.6, District Jalandhar Commissionerate.

Contends that although as per the allegations of the prosecution, petitioner is stated to be present at the time of occurrence, but no injury has been attributed to him. Also contends that petitioner is in custody since 29.01.2019 and charges were framed on 06.07.2019. Further contends that out of total 16 prosecution witnesses, none has been examined till date and petitioner is not involved in any other criminal case.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from the police official present in the Court, but opposed the present bail application.

Heard both sides and perused the paper-book.

Since investigation is already over; charges were framed on 06.07.2019 and out of total 16 prosecution witnesses, none has been examined. Even as per the prosecution case, no injury has been attributed to the petitioner, thus, further incarceration of the petitioner will not serve any purpose. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

September 25, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No