

S.No.226

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

CRM-M-52049 of 2019 (O&M)

Date of Decision:12.12.2019

Rahul @ Dana

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Amardeep Singh, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.226 dated 19.10.2018 registered under Sections 307, 148, 149, 120-B IPC and Section 25 of Arms Act at Police Station Jandiala, District Amritsar.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the injury attributed to the petitioner is on the leg of the injured, which is totally on non-vital part. The petitioner is in custody since 14.03.2019. Although the trial Court has been summoning PWs, however, none of them is appearing before the trial Court. The petitioner is unnecessarily being incarcerated, without any effective proceedings being undertaken against him. Hence, the petitioner deserves to be released on bail.

On the other hand, learned State Counsel submits that the petitioner is involved in a heinous crime. The weapon used in the crime has also been recovered from the petitioner. However, it is not disputed that the injury is on the leg of the injured and that no effective proceedings are being

undertaken against the petitioner because of non-appearance of the witnesses of the prosecution.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 12, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No