

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

CRM-M-10077-2020 (O&M)

Date of decision: 12.01.2021

Faqir Chand

..Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mohit Garg, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-246-2021

This is an application under Section 482 Cr.P.C. for preponement of the date of hearing of the main case, which is fixed for 02.03.2021.

Notice of the application.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State and has no objection, if the present application is allowed.

In view of the above, the present application is allowed and the main case is preponed for today and taken up on Board for hearing.

Main case:

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 115 dated 12.09.2017 registered under Sections 302, 323, 148, and 149 IPC, at Police Station Julkan, District Patiala.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. The petitioner was not named in the FIR but he was indicted on the basis of disclosure statement of the co-accused. The only allegation against the petitioner is that he was a member of an unlawful assembly. Moreover, co-accused, namely, Raj Rani and Raj Kumar, who were attributed the main role, have already been granted regular bail by Coordinate Benches, vide orders dated 30.07.2020 and 14.08.2020 respectively.

Learned State counsel points out that the application under Section 319 Cr.P.C. has been allowed, which has virtually resulted into a *de novo* trial.

I have heard the learned counsel for the parties.

Indisputably, the petitioner has been summoned to face the trial pursuant to the order passed in the application under Section 319 Cr.P.C. Therefore, this Court sees no justification in keeping the petitioner behind the bars, especially when the case is at the trial stage. Aside from that, the trial is likely to take a long time to conclude.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed

and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

12.01.2021
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No