

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

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**CRM-M-37056-2021
Decided on : 07.12.2021**

Gobind Singh alias Kundan

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Ashish Gupta, Advocate
for the petitioner(s).

Ms. Jaspreet Kaur, AAG, Punjab
assisted by ASI Amarjeet Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 45, dated 01.04.2021, under Sections 436, 379-B, 354, 506, 148, 149 of IPC (added later on Section 201 of IPC), registered at Police Station Nihal Singh Wala, District Moga.

While inviting the attention of this Court to the allegations levelled in the FIR in question, learned counsel for the petitioner submits that the only attribution *qua* the petitioner is of throwing brickbats on the vehicle of the complainant, while he was reversing his car. Learned counsel further submits that the allegations with respect to snatching the belongings of the complainant's wife and also trying to outrage her modesty, had been levelled against the co-accused. In addition, he submits that false allegations had been levelled that he had tried to set the vehicle of the petitioner on fire at the time of the occurrence in question.

Learned counsel further submits that the charges stand framed on 08th November, 2021 and the prosecution evidence is likely to commence

on 16th December, 2021. It has been submitted that as many as 18 prosecution witnesses have been cited, hence, there is no likelihood of the trial concluding anytime in the near future. A prayer has, therefore, been made to extend the concession of bail to the petitioner, as he has now been in custody since 02nd April, 2021 and his further incarceration would not serve any useful purpose.

Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Amarjeet Singh, has not been able to controvert the factual aspect of the submissions so made by the learned counsel for the petitioner with respect to the role attributed to the petitioner in the occurrence in question.

Heard learned counsel for the parties and perused the material on record

In the facts and circumstances of the case as enumerated hereinabove coupled with the fact that the prosecution evidence is yet to commence, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 07, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*