

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-39191 of 2021
Date of Decision : 23.09.2021

Billa Singh

..Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Laghuinder Singh Sekhon, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.142 dated 23.07.2021 registered under Sections 307, 323, 148 and 149 of the IPC at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner argues that the present FIR has been registered after four months of the incident and no injury was alleged to have been inflicted by the petitioner and the only allegation against the petitioner is that he was present at the site of incident. Learned counsel for the petitioner submits that the similarly situated co-accused have already been granted the benefit of interim bail by this Court while passing order in CRM-M-38028 of 2021 on 14.09.2021

Notice of motion.

Mr. Sandeep Singh Deol, DAG, Punjab, who has also joined

the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State.

Learned State counsel concedes that in the present case, no injury has been attributed to the petitioner and the only allegation against the petitioner is that he was present at the site of the incident and also that the similarly situated co-accused have already been granted the benefit of interim bail by this Court while passing order in CRM-M-38028 of 2021 on 14.09.2021.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, no injury has been attributed to the petitioner and all other sections of the IPC invoked in the FIR except Section 307 of the IPC are bailable and no role has been attributed to the petitioner in the FIR so as to connect him with the allegations under Section 307 IPC and as the trial is likely to take some time before it concludes, no useful purpose will be served by keeping the petitioner behind the bars, hence, the petitioner has made out a case for the grant of regular bail, especially, when learned counsel for the petitioner undertakes that the petitioner will not obstruct the trial or influence the witnesses, in any manner, whose statements are yet to be recorded. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the

case.

September 23, 2021

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No