

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM-M-11293-2022

Date of Decision : March 23, 2022

Raj Pal

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagmeet Singh Moudgill, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

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.207 dated 22.09.2021 registered under Sections 307, 324 and 395 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Passiana, District Patiala.

Learned counsel for the petitioner argues that in the present case, the petitioner was not named in the FIR and has been roped in the present case only on the basis of the supplementary statement given by the complainant. Learned counsel for the petitioner submits that the only allegation against the petitioner even in the supplementary statement is that the petitioner had helped the co-accused Billu Ram park the snatched truck

of the complainant and no injury to the victim is attributed to the petitioner. Learned counsel for the petitioner further submits that as the investigation is already over and the challan has already been presented and keeping in view the facts that the Courts are working in a restricted manner due to the pandemic of Covid-19, the trial is likely to take some time before it concludes and the petitioner, who is already behind the bars since 23.09.2021, may kindly be granted the concession of regular bail.

Notice of motion.

Mr. Navdeep Chhabra, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the instructions from ASI Gavinder Singh, submits that though, it is a conceded position that the petitioner was not named in the FIR and has been roped in the present case only on the basis of the supplementary statement but two iron rods have been recovered from the petitioner but no injury is attributed to the petitioner and the allegation against the petitioner is that he had helped the co-accused park the snatched truck of the complainant.

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

Keeping in view the fact that no injury has been attributed to the petitioner and the only allegation is of helping the co-accused in parking the snatched truck belonging to the complainant and those allegations are also yet to be proved during the course of trial, no useful purpose will be achieved in keeping the petitioner behind the bars even after the completion

of the investigation and submission of challan, especially when the trial is likely to take some time before it concludes keeping in view the restricted working of the Courts due to the pandemic of Covid-19.

Learned counsel for the petitioner has also undertaken that in case the petitioner is extended the benefit of regular bail, he will not influence trial in any manner including influencing the witnesses and hence, in case of default of the said undertaking, State shall be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the 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.

March 23, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes