

CRM-M-37554-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37554-2022

Date of decision: 29.11.2022

Swaraj @ Mani

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.129 dated 18.08.2020, registered at Police Station Bullowal, District Hoshiarpur, under Sections 307, 506, 34, 120-B, 148, 149 and 201 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner was neither named in the FIR nor any injury has been attributed to him; that the petitioner has been indicted on the confessional statement of co-accused Sandeep Kumar @ Ravi Balachauria; that there is a delay of 05 hours in lodging the FIR; that although the petitioner has been in custody for the last more than two years and two months, yet no prosecution witness has been examined so far. Moreover, similarly situated co-accused, namely, Sunil Kumar @ Monu and Bhupinder Kumar @ Penny have since been granted the concession of regular bail by this Court, vide orders dated 25.02.2022 passed in CRM-M-1184-2022 and CRM-M-49212-2021. So far as another case registered against the petitioner, is concerned, he has been released on bail therein.

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On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the occurrence, and that recovery of i-20 Car and two countrymade pistols had been effected from him. However, no specific injury has been attributed to the petitioner.

I have heard the learned counsel for the parties.

The petitioner was neither named in the FIR nor any specific injury has been attributed to him. He has been indicted on the confessional statement of the co-accused. Challan has already been presented. Although the petitioner has been in custody for the last more than two years and two months, yet the fact remains that no prosecution witness has been examined so far. Trial is unlikely to conclude any time soon. Moreover, the petitioner has since been released on bail in another case registered against him. As stated above, the co-accused have been granted the benefit of bail. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

29.11.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No