

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM-M-54912-2022

Date of Decision : December 02, 2022

Nahar Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Angraze Singh Dhindsa, Advocate, for the petitioner.

Mr. Athar Ahmed, 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.249 dated 31.10.2021 registered under Sections 307, 324, 323, 506, 148 and 149 of the Indian Penal Code, 1860 and Sections 25 & 27 of the Arms Act at Police Station Sadar Samana, District Patiala.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR but the only allegation is that the petitioner had caused injuries on the leg of the victim. Learned counsel for the petitioner submits that the investigation is over and the petitioner is behind the bars for the last more than one year and as none of the witness has been examined so far, the trial is likely to take some time before it concludes and therefore, the

petitioner may kindly be extended the concession of regular bail especially when similarly situated co-accused Ram Sharma @ Ram has already been extended the concession of regular bail by the Coordinate Bench of this Court while passing order in CRM-M-26019 of 2022 on 28.10.2022.

Notice of motion.

Mr. Athar Ahmed, learned Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State, on the instructions from ASI Hapinder Singh, submits that though it is a conceded position that the petitioner has been involved in the present case keeping in view the disclosure statement of another co-accused but a *kirpan* has been recovered from him and the allegation is of causing injury upon the victim on his left knee. It is further conceded that co-accused namely Ram Sharma @ Ram has already been extended the concession of regular bail by this Court.

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

In the present case, the petitioner has been roped on the basis of the disclosure statement of the co-accused, which allegations are yet to be proved during the trial and the petitioner is already behind bars for the last more than one year and the injury attributed to the petitioner is not the one which has been described as dangerous to life.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail as the trial is likely to take some time before it concludes keeping in view the fact that charges have been framed on 29.09.2022 and no witness has been examined as yet, no useful purpose

will be served in keeping the petitioner behind the bars during the entire period of trial especially when learned counsel for the petitioner has assured this Court that in case, the petitioner is extended the benefit of regular bail, he will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, State will 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.

December 02, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No