

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

CRM-M No.1730 of 2022
Date of decision: 24th July, 2023

Baldev Singh @ Lakha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gobind S. Randhawa, Advocate for the petitioner.
Mr. Subhash Godara, Addl. Advocate General, Punjab
for the respondent/State.
Mr. V.K. Kaushal, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.22 dated 02.03.2020 under Sections 302, 324, 323, 148, 149 IPC registered at Police Station Ajnala, District Amritsar Rural.

2. Learned counsel for the petitioner while drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, submits that the petitioner had not been attributed any injury, much less fatal on the person of the deceased, and had only been attributed a simple injury on one of the witnesses. Learned counsel further submits that after the petitioner was arrested on 12.08.2021, an application under Section 319 Cr.P.C. was moved and allowed by the trial Court,

as a result of which a de-novo trial had since commenced. He submits that 20 prosecution witnesses have been cited by the prosecution and only 1 out of those has been partly examined, hence, the trial will take considerable time to conclude. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the role and injury attributed to the petitioner in the crime in question. It has been submitted by the learned State counsel, on further instructions, that the next date of hearing fixed before the trial Court is 27.07.2023 when some more prosecution witnesses have been summoned. On a pointed query put to the learned State counsel qua the criminal antecedents of the petitioner, this Court has been informed on instructions, that he is not involved in any other criminal case.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody for almost two years, having been arrested on 12.08.2021. A de-novo trial has commenced after application under Section 319 Cr.P.C. was allowed and some additional accused were summoned to face trial. In view of the role and the injury attributed to the petitioner in the crime in question, coupled with the fact that trial will take a considerable time to

conclude, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the 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

July 24, 2023
rps

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