

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 2148-2023 (O&M)

Date of Decision: 20.01.2023

Moosa alias Suraj Kumar

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Priyanshu Kamra, Advocate for
Mr. Jatin Bansal, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 78 dated 01.05.2022 under Sections 323, 341, 506, 148, 149 IPC and later on added Sections 379-B and 326 IPC registered at Police Station Kotwali Patiala.

Learned counsel for the petitioner contends that the petitioner is in custody since 12.10.2022. He submits that the petitioner has been falsely implicated in the present case as the injuries are attributed to the other co-accused and other co-accused namely Money and Gagandeep Singh have been granted concession of regular bail by this Court and Baljinder Singh and Vicky have been granted anticipatory bail. He further contends that the offence under Section 379-B IPC has been subsequently added in the present case on the basis of enquiry conducted by the DSP, after almost 03 months of the registration of the FIR. It is stated that the challan stands presented and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that that challan stands presented and other co-accused have been granted bail by this Court.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 12.10.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since nothing has been recovered from the petitioner and the challan has been presented and the co-accused has been released on bail and trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind the bar.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)

JUDGE

20.01.2023

seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No