

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

223

**CRM-M-3126-2023
Date of decision: 25.01.2023**

Sandeep Kumar @ Dilli

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pushp Jain, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.27 dated 03.03.2022 lodged under Sections 160, 307, 148, 149 and 120-B of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 (lateron Sections 29-B, 54 and 59 of the Arms Act, 1959 added lateron) registered at Police Station Lohian, District Jalandhar Rural.

While inviting the attention of this Court to the allegations levelled in the FIR which stands annexed as Annexure P-1, learned counsel for the petitioner submits that neither was the petitioner named therein nor any injury attributed to him in the crime in question. He further submits that the petitioner was nominated as an accused on the basis of disclosure statement made by co-accused Sunil Masih. Learned counsel submits that even otherwise in the final report presented under Section 173 of the Cr.P.C., only his presence has been shown along with co-accused and no specific injury attributed to him.

Per contra, learned State counsel while opposing his prayer has not been able to dispute the factual aspect of the submissions made qua the role attributed to the petitioner in the crime in question.

On a pointed query put to the learned State counsel, he on instructions has apprised the Court that as many as 14 injuries were received by injured Gurpreet including two injuries which were declared to be dangerous to life but admittedly they had not been attributed to the petitioner.

Learned State counsel has, however, apprised the Court on instructions that though two other criminal cases stand registered against the petitioner, however, he is on bail in those cases.

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

The petitioner has been in custody since 02.06.2022 and only challan stands presented till date. Thus, there is no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

25.01.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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