

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4235-2023

DECIDED ON: 1st FEBRUARY, 2023

NARESH THAKUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gaurav Partap S. Pathania, Advocate
for the petitioner.

SANDEEP MOUDGIL, J. (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 81, dated 02.09.2022, under Sections 365, 34 IPC (Section 120-B, 307, 148 and 149 IPC added later on and Section 34 IPC was deleted vide rapat No.4 dated 04.09.2022, thereafter Section 302 IPC has been added), registered at Police Station Sadar Pathankot, District Pathankot.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case and the only role attributed to him is that he raised a lalkara. The assertion is that petitioner is a 60 year old man and is not in such a condition to commit the offence as he is paralyzed and cannot walk without the help of a walker. It is further asserted that the petitioner has undergone brain surgery.

Notice of motion.

On the asking of Court, Mr. Mohit Kapoor, Addl. AG, Punjab accepts notice on behalf of respondent-State, who has produced the custody certificate of the petitioner today in Court, which is taken on record. According to which, the petitioner is behind bars for the last 4 months and 26 days and is not involved in any other case.

In view of afore-said facts and circumstances, particularly keeping in view the medical condition of the petitioner and the fact that the conclusion of trial will take sufficient time, this Court is of considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

1st FEBRUARY, 2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>