

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

CRM-M No.7480 of 2023
Date of decision: 17th February, 2023

Danial

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lakhwinder S. Mann, Advocate for the petitioner.
Mr. Vinay K. Gupta, Asst. Advocate General, Punjab
for the respondents/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner in the instant petition filed under Section 439 Cr.P.C. is seeking concession of regular bail in case bearing FIR No.27 dated 03.03.2022 under Sections 307, 160, 148, 149, 120-B IPC and Sections 25/27/29/54 of the Arms Act, 1959 registered at Police Station Lohian, District Jalandhar.

Learned counsel for the petitioner, at the outset has drawn the attention of this Court to the FIR which has been annexed as Annexure P-1, and submitted that a perusal of the same clearly reveals that neither the petitioner was named therein nor any role attributed to him in the offence in question. Learned counsel submits that the petitioner came to be nominated as an accused on the basis of a disclosure statement of co-accused Davinder alias Deepa. He further

submits that similarly placed co-accused Satwant Singh alias Jagga, Balbir Masih, Kamalpreet Kaur, Aprail Singh, Pardeep Singh, Major Singh and Sandeep Kumar alias Dilli have already been extended the concession of bail by this Court vide orders annexed as Annexures P-3 to P-9. Learned counsel submits that since the petitioner has now been in custody for almost nine months, having been arrested on 26.05.2022, his further incarceration would serve no useful purpose, as only challan has been presented till now coupled with the fact that as many as 33 prosecution witnesses have been cited by the prosecution.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute that the petitioner was neither named in the FIR in question nor attributed any role in the alleged crime. He submits that the petitioner was accompanying the other accused who allegedly fired at the complainant with their respective firearms. Learned State counsel further submits that the petitioner is facing trial in a case under the Excise Act.

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

The petitioner has now been in custody since 26.05.2022 and as conceded by the learned State counsel, the petitioner has neither been named in the FIR in question nor attributed any injury in the alleged crime. In the facts and circumstances as enumerated hereinabove, this Court thus, deems it fit to allow the instant petition as

the trial shall take considerable time to conclude. 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 contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 17, 2023
rps

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