

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-8879-2023

Date of decision: 09.11.2023

Vijay

.....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vivek Kathuria, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.299 dated 25.10.2020 under Sections 307/341/323/506/148/149 of the IPC and Sections 25 and 27 of the Arms Act registered at Police Station Civil Lines, District Patiala.

2. Learned counsel for the petitioner submits that the false implication of the petitioner in the occurrence in question is evident from the fact that at the time of lodging of the FIR in question, he was neither named therein nor any role attributed to him. He submits that it was merely stated that co-accused Harvinder Singh Joi and Amar Singh Kalyan along with some unknown persons had attacked injured Charanjeet Singh @ Lalli and the complainant. However, five days later on 30.10.2023, complainant improved upon his statement given at the time of lodging of the FIR by specifically naming the petitioner and attributing a role to him in the occurrence in question. Learned counsel

submits that the petitioner has been in custody since 06.01.2021 and despite the charges having been framed almost a year back on 16.07.2022, none of the 24 prosecution witnesses cited had been examined till date.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Satnam Singh, has not been able to dispute the factual aspect of the allegations levelled against the petitioner qua the role played by him.

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

5. The petitioner has been in custody since 06.01.2021. The trial would take considerable time to conclude as none of the 24 prosecution witnesses have been examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

09.11.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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