

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9907-2023
DECIDED ON: 27th APRIL, 2023

NAND LAL @ NANDU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Amandeep Sharma, Advocate for
Mr. Amandeep Singh Manaise, Advocate
for the complainant.

SANDEEP MOUDGIL, J. (ORAL)

1. 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 302, 307, 365, 202, 204, 212, 216, 148 and 149 IPC, registered at Police Station Sadar Pathankot, District Pathankot.

2. The primarily contention of learned counsel for the petitioner is that the petitioner is at parity with his co-accused namely Tarsem Lal, who has been granted the concession of regular bail by this Court vide order dated 14.02.2023 passed in CRM-M-7008-2023 (Annexure P-3 collectively).

3. On the other hand learned State counsel 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 7 months and 21 days and is not involved in any other case of any nature whatsoever.

4. Having heard learned counsel for the respective parties.
5. Even there is no specific allegation averred or any kind of over act is coming forth against the petitioner except, as was attributed to Tarsem Lal. With the help of the counsel for the petitioner the Court has occasion to go through the report under Section 173 Cr.P.C. (Annexure P-1), which clearly indicates that Tarsem Lal and Nand Lal @ Nandu (present petitioner) were together at the time of alleged occurrence and there is no distinction whatsoever could be highlighted by the State counsel as well to the role attributed to these two accused.
6. Considering the fact that neither any injury nor any over act has been attributed to the petitioner, who has rather suffered incarceration more than Tarsem Lal and the charges have been framed wherein 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.
7. The petitioner is ordered to be released on regular bail subject to his furnishing requisite surety/personal bonds to the satisfaction of learned Trial Court/Duty Magistrate, concerned.
8. The petition stands allowed.
9. However, it is made clear that anything stated hereinabove, shall not be construed as an expression of opinion on the merits of the case.

27th APRIL, 2023
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(SANDEEP MOUDGIL)
JUDGE

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