

221 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-10487-2023 (O&M)  
Decided on : 14.07.2023

Balkara

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Ashok Giri, Advocate  
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

Mr. Mukesh Kumar Sharma, Advocate  
for the complainant.

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**Manjari Nehru Kaul, J.(Oral)**

**CRM-27121-2023**

Application is allowed as prayed for and documents (Annexures P-3 and P-4) are taken on record subject to all just exceptions.

**Main case**

1. The petitioner is seeking concession of regular bail in case FIR No.253 dated 03.08.2022 under Sections 304, 323 and 506 IPC registered at Police Station Dera Bassi District SAS Nagar Mohali.
2. Learned counsel for the petitioner *inter alia* contends that totally false and fabricated allegations have been levelled in the FIR in question against the petitioner of having assaulted the deceased Mangal on 02.08.2022, as a result of which, he died. While drawing the attention of this Court to the

allegations levelled in the FIR, which has been reproduced in the body of the petition, learned counsel submits that the petitioner admittedly was not armed with any weapon and had allegedly slapped the deceased on his face besides giving fists and kick blows and thereafter fled away from the spot. It has been further submitted that the petitioner, who was arrested on 03.08.2022, has clean antecedents and after the charges were framed by the trial Court not even a single prosecution witness out of the 11 cited has been examined. A prayer, therefore, has been made for extending the concession of bail to the petitioner as in the aforesaid facts and circumstances, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel assisted by the counsel for the complainant while opposing the prayer made by the counsel opposite have not been able to dispute that the petitioner had been attributed only a slap on the face of the deceased and fist blows on the person of the deceased. Learned State counsel on instructions has not disputed that the petitioner is not involved in any other criminal case, however, he submits that the prosecution evidence is likely to commence on the next date of hearing i.e. 19.07.2023.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has been in custody since 03.08.2022. After the challan was presented, charges were framed as recently as on 02.05.2023. The trial is thus, unlikely to conclude in the near future. In the facts and

circumstances as enumerated hereinabove coupled with the role attributed to the petitioner, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

6. 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.

14.07.2023  
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(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned:  
Whether reportable :

Yes/No  
Yes/No