

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-14123-2023

Date of decision: 17.05.2023

Rohit Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.0255 dated 04.11.2022 under Sections 323, 324, 341, 506, 148, 149 and 120-B of the IPC (challan filed under Sections 323, 324, 341, 506, 120-B, 326 and 34 of the IPC) registered at Police Station Division No.8, District Police Commissionerate, Ludhiana.

2. Learned counsel appearing for the petitioner submits that the petitioner, who has been in custody since 15.11.2022 in a magisterial trial, has been falsely implicated in the case in hand and even as per the allegations levelled in the FIR, no injury, much less inviting the mischief of Section 326 of the IPC, has been attributed to him. He submits that the trial is unlikely to conclude any time in the near future as only charges stand framed and none of the 09 prosecution witnesses have been examined till date.

3. Per contra, learned State counsel while opposing the prayer

made by the counsel opposite has not been able to dispute the submissions made by the counsel opposite qua the role attributed to the petitioner in the crime in question. He, however, submits that the petitioner was part of the unlawful assembly when the injuries were inflicted by co-accused on the complainant.

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

5. There is no likelihood of the trial concluding in the near future. The petitioner has already been in custody for more than 06 months in a Magisterial trial. Hence, in the aforesaid facts and circumstances, the instant petition is allowed. The petitioner be admitted to bail 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.

17.05.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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