

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15431 of 2023

Date of decision: 10th April, 2023

Sumit Kumar @ Karinda

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harish Bhatti, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

Mr. Yogesh Goel, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in case bearing FIR No.542 dated 30.12.2022 under Sections 324, 323, 506, 148, 149 IPC (Section 326 IPC added later on) registered at Police Station Division No.7, Police Commissionerate Ludhiana.

While drawing the attention of this Court to the contents of the FIR which has been annexed as Annexure P-1, learned counsel for the petitioner submits that a perusal of the same reveals that when the occurrence took place, the petitioner was neither present at the spot nor was any role attributed to him, much less of causing any injury to the injured witnesses. It has been further submitted that the petitioner has now been in custody since 07.02.2023 and there is no likelihood of the trial concluding in the near future as only final report under Section 173

Cr.P.C. has been presented till date. Learned counsel still further submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

Per contra, learned State counsel assisted by the learned counsel for the complainant, have opposed the prayer and submissions made by the counsel opposite. However, they have not been able to controvert that when the occurrence in question took place, the petitioner was not present at the spot nor any specific injury or role attributed to him.

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

The petitioner has been in custody since 07.02.2023. There is no likelihood of the trial concluding in the near future, as even charges have not been framed. Moreover, the petitioner, as conceded by the learned State counsel, has not been attributed any injury much less under Section 326 IPC, in the occurrence in question. Thus, the petition 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

April 10, 2023
rps

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