

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102+222

CRM-M-16011-2023 (O&M)

Date of decision: 12.07.2023

Sekhar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-23639-2023

For the reasons mentioned in the application, the same is allowed and copies of orders granting bail to the co-accused are taken on record as Annexures P/3 to P/5 subject to all just exceptions.

CRM-M-16011-2023

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.254 dated 16.10.2021 under Sections 307/325/148/149/506/452 of the IPC registered at Police Station Moti Nagar, District Ludhiana.

2. Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR submits that the petitioner was alleged to have inflicted a rod blow on the ankle of the complainant and other than that he had not been attributed any specific injury. He has further submitted that the injury which was declared to be dangerous to life on the head of the injured complainant

had been attributed to co-accused Lakhan who had since been extended the concession of bail by a Coordinate Bench of this Court vide order dated 12.05.2022. Learned counsel has further submitted that the petitioner was arrested on 28.12.2022, challan was presented on 10.02.2023 and till date the charges have not yet been framed. It has been further submitted that since as many as 23 prosecution witnesses have been cited by the investigating agency, likelihood of the trial concluding in the near future is impossible.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner on instructions, has not been able to controvert the submissions made by the counsel opposite qua the role and injury attributed to the petitioner and has also not disputed that the petitioner was not attributed injury on the head of the complainant which was opined to be dangerous to life. He, however, submits that the petitioner is involved in 06 other criminal cases.

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

5. The investigation is complete in the case in hand. Since the charges have not yet been framed and are likely to be framed on the next date of hearing i.e. 21.07.2023, further incarceration of the petitioner would serve no useful purpose. Co-accused Lakhan, who too was involved in a number of other criminal cases and had been attributed injury inviting the mischief of Section 307 of the IPC has already been extended the concession of bail. 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 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 is found involved in other criminal cases or misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

12.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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