

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-18768-2023

Date of decision: 01.05.2023

Sukhman Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Taranjit Kaur Hundal, Advocate
for the petitioner.

Mr. Amit Rana, 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.27 dated 03.03.2022 under Sections 160, 307, 148, 149 and 120-B of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Lohian, District Jalandhar Rural.

2. Learned counsel for the petitioner submits that the petitioner was allegedly armed with a brick bat at the time of occurrence in question and the only role attributed to him was that of a *lalkara*. She submits that accused who were allegedly armed with fire arms and had fired in the air, had since been extended the concession of bail by the Trial court. Learned counsel submits that the trial is unlikely to conclude in the near future as only challan stands presented and as many as 33 prosecution witnesses have been cited.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, on instructions from SI Iqbal Singh, has

not been able to controvert the factual aspect of the submissions made by the counsel opposite qua the role of the petitioner in the crime in question. Learned State counsel has, however, submits that the vehicle on which the accused had travelled to the place of occurrence had been recovered from the petitioner. He has still further submitted that the charges are likely to be framed on the next date of hearing i.e. 30.05.2023.

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

5. The petitioner has been in custody since 06.03.2022 and as not disputed by the learned State counsel, he has not been attributed any injury much less an injury inviting the mischief of Section 307 of the IPC. The trial shall take considerable time to conclude. In the aforementioned facts and circumstances, 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.

01.05.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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