

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-21802-2023
DECIDED ON: 05.05.2023**

SAFI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. S.S. Gill, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.23, dated 10.04.2022, under Sections 302, 452, 323, 324, 325, 379B(2), 148, 149 of IPC, 1860 registered at Police Station Mattewal, District Amritsar Rural.

Learned counsel for the petitioner contends that even on perusal of the FIR and subsequent investigation, no overt act has been attributed to the petitioner, except carrying a gandas and is being part of an unlawful assembly. Therefore, the provisions of Sections 302, 452, 323, 324, 325 and 379-B(2) are not attracted.

On the other hand, Learned State counsel has filed the custody certificate of the petitioner in the Court today, and the same is taken on record. He contends that the petitioner has been charged for the offences of Sections 148 and 149 being part of an unlawful assembly which finally

committed the murder of Lal Hussain, who was given multiple injuries by other co-accused persons and in the light of said fact he does not deserve the concession of regular bail at this stage.

Perusal of custody certificate shows that the petitioner is not involved in any other case, meaning thereby, the petitioner has clean antecedents and is not an habitual offender and also considering the fact that no injury whatsoever has been attributed to the petitioner, who has been charged for the offences under Section 148 and 149 only in the challan, as has been fairly informed by learned State counsel added with the fact that out of 43 prosecution witnesses only 3 have been examined, which clearly shows that trial is likely to take long time.

In view of the aforesaid discussions, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, therefore, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove, shall not be construed as an expression of opinion on the merits of the case.

05.05.2023

Lavisha

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>