

208

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21519-2023 (O&M)

Date of decision: 22.09.2023

Baljit alias Tait

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lakhwinder Singh Mann, Advocate
for the petitioner.

Mr.Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.146 dated 09.06.2020 registered under Sections 324, 326, 34 of Indian Penal Code, 1860 at Police Station Shahkot, District Jalandhar Rural.

2. As per reply filed by the State on 27.07.2023, it had been stated that the petitioner had been declared as a proclaimed offender, however, learned counsel for the petitioner had stated to be contrary and, hence, a report had been called from the trial Court.

3. As per the report received, from the Judicial Magistrate Ist Class, Nakodar, though PO proceedings under Section 82 Cr.P.C. were indeed initiated against the petitioner, however, no specific order had been passed declaring the petitioner a proclaimed offender.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 20.10.2022 for allegedly inflicting *dattar* blow on the left hand of the injured. Learned counsel for the petitioner submits that after the challan was presented, charges were framed on 19.04.2023 and thereafter the trial had not been able to make much progress as only one prosecution witness out of the 21 cited witnesses has been partly examined. It has further been submitted that the petitioner has clean antecedents as he has not involved in any other criminal case.

5. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Surinder Singh, has not disputed the factual aspect of the role and injury attributed to the petitioner in the crime in question, and the factum of only one witness having been partly examined. He, on instructions, submits that trial has not made further progress as an application under Section 319 Cr.P.C. has been moved by the prosecution, which is still pending consideration of the Court concerned.

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

7. The trial is unlikely to conclude in the near future. The petitioner has been in custody since 20.10.2022. As only one prosecution witness out of the 21 cited witnesses has been partly examined, there is no likelihood of the trial concluding in the near future. The petitioner is not stated to be involved in any other criminal case.

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/ Duty Magistrate concerned.

9. However, it is made clear that anything observed here-in-above shall not be construed to be an expression of opinion on the merits of the case.

22.09.2023

(MANJARI NEHRU KAUL)

Satyawan

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No