

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

CRM-M No.25818 of 2023

Date of decision: 8th August, 2023

Gaurav Singh @ Gauri

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jitender S. Dadwal, Advocate for the petitioner.

Mr. Subhash Godara, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0003 dated 19.01.2023 under Sections 365, 341, 324, 323, 427, 506, 148, 149 IPC (Section 326 IPC added later on) registered at Police Station Daba, District Ludhiana.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, inter alia submits that a perusal of the same clearly reveals that neither was the petitioner named therein nor any role attributed to him, much less, any injury inviting the mischief of Section 326 IPC. He has submitted that the occurrence in question took place on 18.01.2023 and it was a week later, i.e. on 26.01.2023, a supplementary statement was made by the complainant wherein for the

first time the petitioner was nominated as an accused. It has been further submitted that even as per the supplementary statement, the petitioner was just shown to have accompanied the other assailants at the time of occurrence in question, and no specific role or injury had been attributed to him. Learned counsel further submits that the petitioner has been in custody now for almost seven months, having been arrested on 29.01.2023, and the investigation in the case in hand is complete as challan stands presented. It has also been submitted that the petitioner has clean antecedents as he is not involved in any other criminal case. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Sukhdev Singh, has not been able to dispute the factual aspect of the submissions made by the counsel opposite qua the petitioner not being named in the FIR in question or the contents of the supplementary statement, which was made by the complainant. On a pointed query put to the learned State counsel, he on instructions has also not disputed that the petitioner is not involved in any other criminal case. Learned State counsel has informed the Court that as many as 21 prosecution witnesses have been cited and charges are yet to be framed.

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

5. The petitioner has been in custody for more than seven months, having been arrested on 29.01.2023. The trial is unlikely to conclude shortly as charges have not yet been framed. In addition, the petitioner has not been attributed any specific role or injury, much less, inviting the mischief of Section 326 IPC. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such 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 observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 8, 2023
rps

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