

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

223

CRM-M-30510-2023 (O&M)

Date of Decision: 13.09.2023

DEEPAK @ DEEPU @ JONTY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.21 dated 21.01.2018, registered under Section 307, 323, 427, 186, 353, 148, 149 IPC, at Police Station Division No.7, Police Commissionerate, Ludhiana.

Learned counsel for the petitioner submits that the only allegation against the petitioner is that he was the member of an unlawful assembly, who have pelted stones on the Police party; that no specific role has been attributed to the petitioner and that the petitioner has been in custody for the last about 5 months and 15 days. He further submits that as far as other cases registered and/or pending against the petitioner are concerned, he is on bail in the said cases except in FIR No.180 dated 23.08.2020 and FIR No.19 dated 12.01.2020 and that the charges are yet to be framed and the prosecution evidence is to commence.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he was the member of the unlawful assembly, who have pelted stones on the Police party and caused hindrance in performing their official duty of arresting an accused in the NDPS Act and that in the said occurrence one Reena Rani, Lady Constable was got injured and that the petitioner is a habitual offender and facing five more cases, 4 under the IPC and 1 under the NDPS Act. He further submits that the charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last 5 months and 15 days. No specific injury has been attributed to the petitioner. As far as other cases are concerned, the petitioner is on bail in 3 cases. Charges are yet to be framed and the prosecution evidence is to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

13.09.2023
Aman Jain

(HARNARESH SINGH GILL)
JUDGE