

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRA-S-1820-2023 (O&M)
Date of decision: 21.09.2023

Gurlal Singh

.....Appellant

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pardeep Bajaj, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-27406-2023

For the reasons mentioned in the application, the same is allowed and delay of 72 days in filing the appeal is condoned.

CRA-S-1820-2023

1. The appellant is impugning the order dated 18.01.2023 passed by learned Additional Sessions Judge, Amritsar whereby his application for grant of bail under Section 439 of the Cr.P.C. in case FIR No.170 dated 11.08.2022 under Sections 302, 148, 149 of the IPC and Sections 25 of the Arms Act, 1959 (Sections 323 and 325 of the IPC and Section 3(2)(v) of the SC/ST Act, 1989 added lateron) registered at Police Station Lopoke, District Amritsar.

2. Learned counsel for the appellant inter alia contends that the appellant has been in custody since 18.10.2022 and after the challan was presented on 13.11.2022 even charges have not yet been framed.

He submits that in the circumstances, there is no likelihood of the trial

concluding in the near future moreso since 26 prosecution witnesses have been cited. Learned counsel has also invited the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1 and urged that a perusal of the same clearly reveals that though he was named therein, however, neither any injury was attributed to the appellant nor any casteist utterances.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the appellant, on instructions from ASI Sukhdev Singh, has not disputed the factual aspect of the role attributed to the appellant in the crime in question. He has also not controverted that no allegations stand levelled against the appellant of having indulged in any casteist remarks against the complainant. Learned State counsel has, on further instructions, informed the Court that the next date fixed before the Trial Court is 04.10.2023 when charges are likely to be framed.

4. On a pointed query put to the learned State counsel as to whether the appellant is involved in any other criminal case, he, on instructions, has replied in the negative.

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

6. After the challan was presented on 13.11.2022, no progress has been made in the trial thereafter. Furthermore, no doubt the presence of the appellant was shown at the time of the alleged occurrence with a datar, however, as conceded by the learned State counsel on instructions, the appellant did not inflict any injury on the complainant party much less with the datar. It has also not been

disputed that the appellant did not indulge in any casteist utterances against the complainant party.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the appellant. Accordingly, the instant appeal is allowed and the impugned order dated 18.01.2023 is set aside. The appellant 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.

21.09.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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