

CRM-M-32334-2023

-1-

218 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-32334-2023  
Date of Decision: 25.07.2023

Babba Masih

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Amit Arora, Advocate,  
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab,  
for the respondent.

Mr. Sachin Sharma, Advocate,  
for the complainant.

\*\*\*\*\*

**RAJBIR SEHRAWAT, J. (ORAL)**

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.275 dated 01.09.2021 registered under Sections 302, 323, 324, 427, 148 and 149 of the Indian Penal Code, 1860, at Police Station Ajnala, District Amritsar Rural.

It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted, false and frivolous. The petitioner is not involved in the crime as alleged against him. Even as per the case of the prosecution, the petitioner is alleged to be present on the spot at the time of alleged occurrence. No role is attributed to the petitioner qua the deceased. The only role attributed to the petitioner is qua causing injuries to the complainant which have been found to be simple in nature. Learned counsel has further submitted that even the co-accused, who is alleged to

CRM-M-32334-2023

-2-

have caused injuries to the witness of the incident, has been released on bail. There is no other case against the petitioner. The petitioner is in custody since 30.08.2022. Investigation of the case is already complete and the petitioner is not required for further investigation purpose. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned counsel for the State, assisted by Mr. Sachin Sharma, Advocate, for the complainant and on instructions from SI Lakhwinder Singh, has submitted that the petitioner was a part of the unlawful assembly when the murder had taken place. He was armed with a *datar* and the same has been recovered from the petitioner. However, it is not disputed that the petitioner is not alleged to have caused any injury to the deceased. He only gave *datar* blow to the complainant, which has been found to be simple in nature. It is also not disputed that the petitioner is in custody since 30.08.2022 and that there is no other case against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)  
JUDGE

25.07.2023  
adhikari

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |