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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-32009-2023(O&amp;M)

Date of Decision: 04.09.2023

**Rahul**

....Petitioner(s)

Versus

**State of Punjab**

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. A.P.S. Rehan, Advocate, for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.130 dated 08.10.2021, under Sections 323, 324, 148, 149 IPC (Section 326 IPC added later on), registered at Police Station Sadar Pathankot, District Pathankot.

2. Learned counsel for the petitioner has submitted that the petitioner is a young boy of the age of 22 years and he is in custody from 23.04.2023. He submitted that the investigation of the case has been completed and the final report under Section 173 Cr.P.C has been presented before the competent Court. He further submitted that the petitioner is not involved in any other case and has got clean antecedents and even otherwise also although the petitioner is named in the FIR but no overt act has been attributable to the petitioner. He further submitted that one of the other co-accused, namely, Neelam has been extended the benefit of regular bail by a Co-ordinate Bench

of this Court vide Annexure P-3 and has submitted that the trial of the case may take long time and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the investigation of the case has been completed and challan has been presented. He further submitted that no such overt act has been attributable to the petitioner.

4. I have heard the learned counsel for the parties.

5. The petitioner is stated to be in custody from 23.04.2023 and he is stated to be not involved in any other case. The other co-accused namely Neelam has been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide Annexure P-3. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

**04.09.2023**

*rakesh*

**(JASGURPREET SINGH PURI)**

**JUDGE**

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|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |