

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

217

2023:PHHC:111678

CRM-M-33458-2023

Date of decision: August 25th, 2023

Zora

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Suram Singh Rana, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0011 dated 18.02.2023 under Sections 323, 324, 307, 341, 148, 149 IPC (Sections 302/325 IPC added later on) registered at Police Station Nurmahal, District Jalandhar Rural.

Short reply by way of affidavit dated 25.08.2023 of Deputy Superintendent of Police, Sub Division Nakodar, District Jalandhar (Rural) on behalf of the respondent has been filed in Court, which is taken on record.

Learned State counsel has not disputed that the petitioner had not been attributed any injury in the occurrence in question. However, while drawing the attention of this Court to para 13 of the reply filed today, learned counsel submits that the petitioner was accompanying the co-accused at the time of the alleged occurrence. Though the petitioner did not come out of the car and inflict injuries on the deceased or the injured complainant, however, he had instigated the co-accused to inflict injuries on the person of the complainant party. Learned State counsel, on instructions, further submits that the petitioner is also involved in FIR

No.60 dated 05.07.2022 under Sections 304-A and 279 of the IPC registered at Police Station Nurmehal, District Jalandhar.

On a pointed query put to the learned State counsel, he on instructions from ASI Daljit Singh, also not disputed that at the time of alleged occurrence, the petitioner was not shown to be armed with any weapon.

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

The petitioner has been in custody since 27.02.2023 and as per the conceded case of the prosecution, only *lalkara* has been attributed to him. As many as 40 prosecution witnesses have been cited and the prosecution evidence is yet to commence. Thus, there is no likelihood of the trial concluding in the near future.

In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner 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.

August 25th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No