

CRM-M-34801-2023

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223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34801-2023
Date of Decision: 25.07.2023

Chandan @ Chandu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Anmol, Advocate, and
Ms. Tanisha, Advocate,
for the petitioner.

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

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.96 dated 13.08.2022 registered under Sections 302, 307, 148 and 149 of the Indian Penal Code, 1860, and Sections 25 and 27 of the Arms Act, 1959, at Police Station Cantt. Ferozepur, District Ferozepur.

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 that he was accompanying with the main accused at the time of alleged occurrence.

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Learned counsel has further submitted that even the co-accused has been released on bail by the Court below. There is no other case against the petitioner. The petitioner is in custody since 06.09.2022. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned counsel for the State has submitted that the petitioner was a part of the unlawful assembly when the murder had taken place. He was accompanying with the main accused at the time of alleged occurrence. However, it is not disputed that the petitioner is not alleged to have caused any injury to the deceased. It is also not disputed that the petitioner is in custody since 06.09.2022 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