

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

CRA-S No.1954 of 2023 (O&M)
Date of decision: 28th November, 2023

Chamandeep Singh

... Appellant

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. L.M. Gulati & Ms. Divya Gulati,
Advocates for the appellant.

Mr. Digvijay Nagpal, Asst. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.30009 of 2023

The instant application has been filed for condonation of
delay of 58 days in filing the appeal.

In the light of averments made in the application and in the
interest of justice, the same is allowed and delay in filing the appeal is
condoned.

CRA-S No.1954 of 2023

1. The appellant is challenging the order dated 22.02.2023
passed by learned Additional Sessions Judge, Amritsar vide which his
application seeking the concession of bail under Section 439 Cr.P.C. in
case FIR No.170 dated 11.08.2022 under Sections 302, 148, 149 of the

IPC and Section 25/54/59 of the Arms Act, 1959 (Sections 323/325 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) registered at Police Station Lopoke, District Amritsar was dismissed.

2. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel for the appellant inter alia submits that the only role attributed to the appellant in the crime in question is a Datar blow on the thumb of the complainant; it has been submitted that no injury much less fatal has been attributed to the appellant on the person of the deceased. It has been further submitted that after the appellant was arrested on 17.08.2022, challan was presented on 13.11.2022, however, till date charges have not yet been framed. It has also been submitted that as many as 20 witnesses have been cited by the prosecution, hence, there is no likelihood of the trial concluding in the near future. A prayer has, therefore, been made for extending the concession of bail to the appellant, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the role and injury attributed to the appellant, i.e. on the thumb of the complainant. Learned State counsel has placed on record the custody certificate of the appellant, wherein he is not shown to be involved in any other criminal case, much less a case of similar nature.

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

5. The appellant has now been in custody since 17.08.2022. As many as 20 witnesses have been cited by the prosecution and the evidence is yet to start, hence, the trial would take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, especially the nature of injuries and role attributed to the appellant, this Court deems it fit to extend the concession of bail to him. The appeal as such is allowed and the appellant is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 28, 2023
rps

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