

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36311-2023 (O&M)
Decided on : 11.08.2023

Harshpreet Singh and another Petitioners

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S.Sidhu, Advocate
for the petitioners.

Mr. I.P.S.Sabharwal, DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioners seeking concession of regular bail in case FIR No.144 dated 22.05.2023 under Section 307, 341, 294, 149 IPC and Section 25 of Arms Act registered at Police Station Zirakpur, District SAS Nagar, Mohali.

2. Learned counsel for the petitioners submits that it was a case of version and cross-version and the occurrence in question happened at the spur of the moment. While drawing the attention of this Court to the allegations levelled in the FIR in question, learned counsel has further contended that the petitioners have not been attributed injury inviting the mischief of Section 307 IPC, which in fact has been attributed to the co-accused Simranjit Singh. It has further been submitted that vague allegations had been levelled that the petitioners had attacked the complainant party with empty glass bottle, which

fact did not stand corroborated with any medical evidence. The petitioners are in custody since 22.05.2023 and even though investigation is complete and final report under Section 173 Cr.PC has been presented, however, charges have not been framed. Hence, trial would take a lot of time to conclude.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed that it is a case of version and cross-version. It has also not been disputed that no specific injury has been attributed to the petitioners much less under Section 307 IPC. Learned State counsel, however, submits that charges have not been framed yet and are likely to be framed on the next date of a hearing.

4. On a pointed query put to the learned State counsel as to whether, the petitioners are involved in any other criminal case, he, on instructions, has submitted in the negative.

6. Heard learned counsel for the parties and perused the relevant material on record.

7. The petitioners have been in custody since 22.05.2023. Investigation is complete and charges have not yet been framed. Hence, the trial would take considerable time to conclude. In the facts and circumstances as enumerated hereinabove coupled with the fact that no specific injury has been attributed to the petitioners, this Court deems it fit to extend the concession of bail to the petitioners. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

8. 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.

11.08.2023
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(MANJARI NEHRU KAUL)
JUDGE

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