

237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38085-2023
Decided on : 10.08.2023

Sehajpreet Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kunal Choksi, Advocate
for the petitioner.

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

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.144 dated 22.05.2023 under Section 307, 341, 294, 149 IPC and Sections 25/54/59 of Arms Act registered at Police Station Zirakpur, District SAS Nagar, Mohali.

2. Learned counsel for the petitioner submits that it was a case of mistaken identity and precisely that was the reason, why the petitioner had been named in the FIR in question. Learned counsel further submits that a perusal of the allegations levelled in the FIR reveals that other than his presence being shown at the place of occurrence, there was no other role attributed to him much less injury under Section 307 IPC, which had been attributed to the co-accused Simranjit Singh. It has further been submitted that the petitioner has been 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 has opposed the prayer made by the counsel opposite by submitting that no doubt, injury inviting the mischief of Section 307 IPC was not attributed to the petitioner, but he was a part of the unlawful assembly.

4. Mr. M.S.Saini, Advocate has put in appearance on behalf of the complainant and filed power of attorney in the Court today, which is taken on record. Learned counsel has not disputed the submissions made by the counsel for the petitioner that it was on account of some misguided suspicion, the petitioner was named as one of the persons, who had accompanied the accused to the place of occurrence. Learned counsel further submits that he would not oppose the prayer made by the counsel for the petitioner for extending the concession of bail to him.

5. On a pointed query put to the learned State counsel as to whether, the petitioner has criminal antecedents, he, on instructions, has submitted in the negative.

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

7. In the facts and circumstances as enumerated hereinabove, the trial would take considerable time to conclude. The petitioner, as also conceded by learned State counsel, on instructions, is not involved in any

other criminal case except the present one. Hence, this Court deems it fit to extend the concession of bail to the petitioner. 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.

10.08.2023
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(MANJARI NEHRU KAUL)
JUDGE

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