

N.C. No.2023:PHHC:110348

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

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**CRM-M-40098-2023 (O&M)
Date of decision: 23.08.2023**

Prabhjot Singh Alias Prabhjit Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. SDS Bali, Advocate for the petitioner.

RAJBIR SEHRAWAT. J. (Oral)

1. 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.78 dated 04.07.2021 registered under Sections 307, 336, 324, 323, 506, 148, 149 of IPC and Sections 25 and 27 of the Arms Act, 1959 (Section 302 IPC and Sections 29 and 30 of the Arms Act added later on) at Police Station Makhu, District Ferozepur.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is concocted. The name of the petitioner is wrongly dragged in the case. The petitioner is not involved in the crime as alleged against him. Even as per the assertion of the prosecution, the petitioner is not shown to be present at the scene of occurrence. No injury is attributed to the petitioner, as having been caused to the deceased or to the witness or any other person. The petitioner is in custody since 13.07.2022. The investigation of the case is already over. The petitioner is not required for any recovery or discovery. There is no other case registered against the petitioner. Hence, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.

4. Mr. Jaspal Singh Guru, AAG Punjab accepts notice on behalf of

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respondent-State. He has filed the custody certificate of the petitioner, which is taken on record. Learned State Counsel, on instructions from ASI Jaspal Chand, and being assisted by Mr. Tarun Sharma, Advocate, counsel for the complainant submits that the petitioner is the main person, who had initiated the fight on the said day, when in the first instance, he was armed with a *dang* and with a *kirpan* in the second incident. Therefore, the petitioner does not deserve the concession of bail pending trial. However, it is not disputed by learned State counsel that the petitioner is not attributed any injury either to the deceased or witness or any other person. It is also not disputed that there is no other case against the petitioner and that the petitioner is in custody since 13.07.2022.

5. 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

23.08.2023
S.Sharma(syr)

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