

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

CRM-M No.43200 of 2022
Date of decision: 13th July, 2023

Ravel Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Jagatvir Dhindsa, Advocate for the petitioner.
Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.189 dated 23.05.2020 under Sections 302, 323, 341, 148, 149 IPC registered at Police Station Sadar Mansa, District Mansa.

2. Learned senior counsel for the petitioner inter alia contends that a perusal of the FIR in question reveals that the petitioner has only been attributed a simple injury on the nose of the deceased and the fatal injury was attributed to his uncle, co-accused Mohinder Singh, who has since been released on anticipatory bail by this Court. He submits that the petitioner has now been in custody for more than three years, having been arrested on 27.05.2020, and only two out of 17 prosecution witnesses cited, have been examined so far, hence, the trial will take

considerable time to conclude and in the circumstances, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Bagha Singh, has not been able to controvert that the petitioner has not been attributed the fatal injury on the person of the deceased. He however, submits that the delay in conclusion of the trial has been on account of an application having been moved under Section 319 Cr.P.C. vide which co-accused Mohinder Singh, who was attributed the fatal injury on the person of the deceased, was summoned to face trial as an additional accused, and hence, thereafter a de-novo trial commenced. Learned State counsel, on further instructions, submits that the petitioner cannot seek parity with his co-accused Mohinder Singh, as the latter had not been initially challaned unlike the petitioner. It has also been submitted that the petitioner was part of an unlawful assembly and it was a premeditated attack launched on the complainant party by the accused including the petitioner.

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

5. The petitioner has been in custody since 27.05.2020. Both the material witnesses, including the complainant, stand examined. As not disputed by the learned State counsel, the petitioner has been attributed only a lathi blow on the nose of the deceased, and further the fatal injury has been attributed to co-accused Mohinder Singh, who as

already observed earlier, is on bail. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner, more so when the trial will take considerable time to conclude as 15 prosecution witnesses still remain to be examined. The petition as such is allowed and the petitioner 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

July 13, 2023
rps

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