

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

CRM-M-43970-2022

Date of Decision: January 20, 2023

JAGGA MASIH @ JAGGA @ JAGGU

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Dhruv Gupta, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 439 of the Cr.P.C. prayer has been made for grant of regular bail pending trial in case of FIR No. 54 dated 5.07.2021 under Sections 302/34 (Section 201/120-B added later on) IPC 1860 registered at Police station Bhindi, Saidan, District Amritsar Rural.

Referring to the FIR, learned counsel for the petitioner submits that though initially named in the FIR, the petitioner was found to be innocent by the Investigating Agency followed by a supplementary statement made by the complainant implicating three persons namely, Kewal Singh, Paramjit Singh and Sonu. Learned counsel for the petitioner further submits that after completion of the investigation the challan was submitted before the Court on 09.10.2021 against the aforesaid three persons. However, without there being any incriminating evidence available against the petitioner, he was apprehended on 15.05.2022 and supplementary challan thereafter was filed against him before the trial Court on 13.08.2022. Learned counsel for the petitioner also submits that even as per the supplementary challan as well as the Status report dated 20.01.2023 filed before this Court there is nothing to connect the petitioner with the alleged offence. He further submits that the

investigation of the case already stands concluded, challan is filed, however the charges are yet to be framed and the petitioner is suffering incarceration for the past almost 8 months now and thus prays for grant of concession of regular bail.

On the other hand, learned State counsel opposes the prayer made in the present petition by submitting that allegations in the FIR are serious in nature involving murder of one person namely, Munish.

I have heard learned counsel for the parties and gone through the paper-book i.e. the petition as well as the status report. From a perusal of the status report, nothing incriminating has been pointed out against the petitioner.

Considering the fact that the complainant in her supplementary statement specifically implicated three persons without mentioning the name of the petitioner who was even found to be innocent in the investigation and was never named as accused in the first challan and even considering the fact that he is already behind bars for past almost 8 months without there being anything to connect him with the alleged incident, the investigation having already been completed by the Investigating Agency, I do not find any justification to extend the incarceration of the petitioner.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner, namely, Jagga Masih @Jagga @ Jaggu is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

20.01.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>