

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

CRM-M No.42290 of 2023
Date of decision: 1st September, 2023

Charanjit Singh @ Nanna

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jitender S. Dadwal, Advocate for the petitioner.
Mr. Pankaj Khullar, Asst. 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.0003 dated 19.01.2023 under Sections 365, 341, 324, 323, 427, 506, 148, 149 IPC (Section 326 IPC added later on) registered at Police Station Daba, District Ludhiana.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, inter alia contends that a perusal of the same reveals that neither was the petitioner named therein nor any role attributed to him, much less of inflicting any injury on the person of the complainant. He submits that the occurrence in question took place on 18.01.2023 and thereafter, supplementary statement was recorded under Section 161 Cr.P.C. by the complainant on 26.01.2023 and even therein,

the petitioner was not named nor attributed any role in the occurrence in question. Subsequently, after 50 days, i.e. on 10.03.2023, the complainant made yet again supplementary statement, wherein for the first time, the petitioner was named and a role attributed to him in the occurrence in question. Learned counsel has further submitted that even in the second supplementary statement, the petitioner was attributed just fist blows and kicks on the person of the complainant and no injury inviting the mischief of Section 326 IPC had been attributed to the petitioner. Learned counsel, therefore, submits that it is evidently a case of false implication, for which the petitioner deserves the concession of bail as now he has been in custody since 11.03.2023, coupled with the fact that investigation in the case in hand is complete with the challan having been presented on 29.03.2023. A prayer has, therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert the submissions qua the petitioner not being named in the FIR nor any role, much less any injury inviting the mischief of Section 326 IPC having been attributed to him. Learned State counsel, on further instructions, has conceded that the petitioner was nominated as an accused in the second supplementary statement of the complainant, which was recorded after 50 days of the occurrence in question. It has also not been disputed that investigation in the case in hand is complete

qua the petitioner as challan stands presented. Learned State counsel, on further instructions, has apprised the Court that the next date of hearing fixed before the trial Court is 12.09.2023 when the charges are likely to be framed.

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

5. The petitioner has now been in custody since 11.03.2023. The final report under Section 173(2) Cr.P.C. stands presented, however, charges have not yet been framed and there is no likelihood of the trial concluding in the near future as 23 prosecution have been cited. The petitioner, as per the instructions received by the learned State counsel, is not involved in any other criminal case. In the facts and circumstances as enumerated hereinabove as well as the role attributed to the petitioner, this Court deems it fit to extend the concession of bail to the petitioner. 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

September 1, 2023
rps

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