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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44751-2022

Date of Decision: 16.03.2023

Gursharan SinghPetitioner

Versus

State of Punjab..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

...

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

...

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 5 dated 09.01.2018 under Sections 302/307/506/336/148/149 IPC and Section 25 of the Arms Act registered at Police Station Valtaha, District Tarn Taran.

Inter alia contends that subsequent to the registration of the FIR in question, during investigation the petitioner was found innocent and placed in column No.2 by the Investigating Agency. However, thereafter he was summoned to face trial as an additional accused under Section 319 Cr.P.C. Learned counsel submits that the petitioner has now been in custody since 29.08.2022 and the trial shall take considerable time to conclude as the prosecution has cited as many as 39 prosecution witnesses. It has also been contended that the petitioner has clean antecedents and is not involved in any other criminal case.

Per contra, learned counsel for the State while opposing the

prayer made by the counsel opposite has not been able to controvert the submissions made by him that during investigation the petitioner was found innocent and thus placed in column No.2. It has been submitted by the learned State counsel that the petitioner had not been attributed any injury much less fatal on the person of the deceased and the only allegation levelled against him was of firing in the air. He has, however, submitted that after the application under Section 319 Cr.P.C. had been allowed on 27.01.2022 the petitioner had absconded and it was only on 29.08.2022 that he was arrested. Resultantly, an FIR under Section 174A IPC had been registered against him.

Heard.

The trial is unlikely to conclude in the near future as a *de novo* trial would commence pursuant to the summoning of the petitioner under Section 319 Cr.P.C. The petitioner has not been attributed any injury on either the deceased or any other injured witness.

In the facts and circumstances of the case as enumerated above, further incarceration of the petitioner would serve no useful purpose. Thus, the petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

16.03.2023
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Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No