

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213)

CRM-M-49112 of 2022
DATE OF DECISION:-15.02.2023

Sajan

...Petitioner

VS.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Munish Puri, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail pending trial in case FIR No.13 dated 04.02.2021 under Sections 324, 323, 427, 506, 148, 149 IPC (Section 326 IPC added lateron) registered at Police Station Division No.2, District Pathankot, Punjab.

Learned counsel for the petitioner submits that from a perusal of FIR, it can be found out that no specific role has been attributed to the petitioner. He also submits that the investigation in the present case already stands concluded with the filing of *challan* and the petitioner is behind the bars for a period more than 5 months now, whereas, the conclusion of trial is likely to take some time, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that petitioner along with his brother and few others gave merciless beatings to the complainant party and entered into his house forcibly and thus, does not deserves the concession of regular bail.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

From a perusal of the entire FIR, one can see through that neither any specific role has been attributed to the petitioner nor any injury has been allegedly inflicted by him upon the person of alleged victims. The petitioner is behind the bars for a period more than 5 months and the investigation already stands concluded with the filing of *challan*, thus, the conclusion of trial is likely to take some time. There does not appear to be any justification for extending further incarceration of the petitioner, thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

15.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No