

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

236 (2 cases)

(1) **CRM-M-47749-2023 (O&M)**
Date of Decision:14.12.2023

Saurav Saini

.....Petitioner

Versus

State of Punjab

.....Respondent

(2) **CRM-M- 50535-2023 (O&M)**
Deepak Sharma @ Deepu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rahul Dev Singh, Advocate for the petitioner
in CRM-M-47749-2023

Ms. Lovepreet Kaur, Advocate for
Mr. Ritesh Pandey, Advocate for the petitioner
in CRM-M- 50535-2023.

Mr. G.S. Sidhu, Assistant A.G. Punjab.

JASGURPREET SINGH PURI J. (Oral)

1. Both these petitions are taken up together for final disposal with the consent of learned counsel for the parties since both these petitions arise out of the same FIR and the prayer in both these cases is for the grant of regular bail.

2. Both these petitions have been filed under Section 439 of the Code of Criminal Procedure, 1973, for the grant of regular bail to the petitioners in case bearing FIR No.11 dated 26.01.2022 under Sections

307, 324, 325, 326, 341, 323, 148 and 149 of IPC, registered at Police Station Taragarh, District Pathankot, Punjab.

3. Both the learned counsel for the petitioners submitted that the petitioners are in custody for about 08 months. After the completion of the investigation, challan stands presented and even trial has commenced. They have submitted that even the complainant has also been examined. They have also submitted that there is no specific role attributed to the petitioners even as per the statement of the complainant before the Court below. They further submitted that both the petitioners have been falsely implicated in the present case and they have clean antecedents and are not involved in any other case, except petitioner namely Saurav Saini is involved in one another case under Section 188 of IPC but that would not become a ground for denial of the bail to the petitioners. No recovery has been effected from the petitioners. Learned counsel for the petitioners also submitted that even the prosecution has also moved an application under Section 319 Cr.P.C. qua other persons who are sought to be summoned as additional accused and therefore the trial of case would take time to conclude and they may be considered for grant of regular bail.

4. On the other hand, learned State counsel has stated that it is correct that both the petitioners have faced incarceration for about 08 months and the trial has already commenced and the complainant has since been examined. Mr. Sidhu has not disputed the antecedents of both the petitioners, as stated by learned counsel for the petitioners.

5. I have heard the learned counsel for the parties.

6. It is a case where both the petitioners are not stated to be involved in any other criminal case except one petitioner namely Saurav Saini who is involved in one case under Section 188 of IPC and the

complainant has already been examined. It has also been stated by learned counsel for the parties that qua the other persons an application under Section 319 Cr.P.C. is also pending. Investigation in the present case has been completed and the challan already stands presented. The trial of the case would take time to conclude. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioners are released on bail then they may abscond or flee from justice or may influence the witnesses or may tamper with the evidence, particularly in view of the fact that the complainant has already been examined. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioners.

7. Consequently, both petitions are allowed and the petitioners are ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petitions.

(JASGURPREET SINGH PURI)
JUDGE

14.12.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No