

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-50678-2023

Date of Decision : October 12, 2023

Ajay Kumar @ Ajju

...Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rishu Garg, Advocate for the petitioner.

Mr. Gurpreet Singh, Addl. A.G. Punjab.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.0015 dated 01.02.2023 registered under Sections 279, 379-B, 427, 506, 336 of the IPC and Sections 25, 27, 54 and 59 of the Arms Act at Police Station Division No.1, District Jalandhar.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR and he has been roped in only on the basis of the disclosure statement of the co-accused and as the charges in the present case have been framed in the month of September, 2023 only and total 15 witnesses are cited to be examined, the trial is likely to take some time

before it is concluded hence, the petitioner may kindly be granted the concession of regular bail.

Learned State counsel submits that though, the charges have been framed against the petitioner only in the month of September, 2023 and the petitioner was nominated in the present case on the basis of the disclosure statement of the co-accused but alleged weapon has been recovered from the petitioner hence, the prayer of the petitioner for the grant of benefit of regular bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the petitioner has been involved in the present case only on the basis of the disclosure statement of the co-accused and had not participated in the incident and the recovery of the firearm is yet to be correlated with the incident coupled with the fact that the trial is likely to take some time before it is concluded, no useful purpose will be achieved by keeping in the petitioner behind the bars during the entire period of trial as the petitioner is behind the bars for more than 09 months, the petitioner has made out a case for the grant of benefit of regular bail especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of

trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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