

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

229

CRM-M-51390-2023

Date of decision: 13.10.2023

Aakashdeep Masih @ Aakash

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

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

Mr. Digvijay Nagpal, AAG, Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.7 dated 17.01.2022 under Sections 302/325/323/148/149 of the IPC registered at Police Station Khilchian, District Amritsar.

2. Learned counsel for the petitioner while drawing the attention of this Court the allegations levelled in the FIR which has been annexed as Annexure P-1, contends that the petitioner was stated to be armed with a datar with which he allegedly inflicted a simple injury on the head of injured witness, PW Prithipal Singh, who has since been examined. Learned counsel submits that the petitioner's false implication in the case in hand is evident from the fact that there was an unexplained delay of 32 days in the lodging of the FIR even though it was a case of eye witness account. He has further submitted that the petitioner has been in custody since 14.12.2022 and both the material witnesses. i.e. the complainant as well as injured Prithipal Singh, have been examined before the Trial Court, hence, his further incarceration would serve no useful purpose. Learned counsel submits that the petitioner has clean

antecedents as he is not involved in any other criminal case.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Sikander Lal, has not been able to controvert that the petitioner has been attributed only one injury on the person of Prithipal Singh, which injury was opined to be simple in nature. He, on further instructions, has also not disputed that the petitioner has not been attributed any injury much less fatal on the person of the deceased.

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

5. The petitioner has been in custody since 14.12.2022. Both the material witness i.e. the complainant and injured Prithipal Singh stand examined. PW Prithipal Singh, who received injury at the hands of the petitioner has since been examined and hence, there can be no likelihood of the petitioner trying to influence the material witness to depose in his favour. Trial is unlikely to conclude in the near future as 17 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

13.10.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No