

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

CRM-M No.52258 of 2023

Date of decision: 29th November, 2023

Amar Kalyan @ Amar Singh Kalyan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Puja Chopra, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0299 dated 25.10.2020 under Sections 307, 341, 323, 506, 148, 149 IPC and Sections 25, 27 of the Arms Act, 1959 registered at Police Station Civil Lines, District Patiala.

2. Learned counsel appearing on behalf of the petitioner has vehemently contended that no doubt the petitioner was indeed named in the FIR in question, which had been lodged at the instance of complainant Rehaan, however, the injury attributed to him was a simple injury on the back of the injured/complainant Rehaan. It has been further submitted that all the material witnesses including the injured/complainant, to whom the petitioner had been attributed an

injury, had been examined and hence, there was no likelihood that in case the petitioner was released on bail, he could in any manner influence the witnesses or even try to tamper with evidence. It has been submitted that 22 witnesses cited by the prosecution still remain to be examined, and hence, the trial would take considerable time to conclude. Learned counsel has, thus, prayed for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that the injury attributed to the petitioner was a simple injury. It has also not been disputed that the injured Rehaan as well as all the other material witnesses stand examined before the trial Court. However, learned State counsel submits that as per the allegations levelled in the FIR, the petitioner was armed with a Pistol at the time of alleged occurrence. He has however, not disputed that 22 prosecution witnesses still remain to be examined and has submitted that the next date fixed before the trial Court is 21.12.2023 when some more witnesses have been summoned. Learned State counsel, on further instructions, has informed the Court that the petitioner was earlier involved in 3 other criminal cases, though, he had since been acquitted in all those cases.

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

5. The petitioner has been in custody for close to 2 years now, having been arrested on 22.02.2021. All the material witnesses including

the injured/complainant already stand examined. The trial would take considerable time to conclude as 22 witnesses cited by the prosecution still remain to be examined. In the facts and circumstances as enumerated hereinabove, especially the nature of injury attributed to the petitioner, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

November 29, 2023
rps

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