

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.56342 of 2022
Date of decision: 31st July, 2023

Judge Masih

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rishu Mahajan, Advocate for the petitioner.
Mr. H.S. Sitta, Deputy Advocate General, Punjab
for the respondent/State.
Ms. Gagandeep Kaur, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

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

2. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel contends that the petitioner was stated to be armed with a danda and no injury, much less fatal was inflicted by him on the person of the deceased. It has been further submitted that the petitioner allegedly inflicted a simple injury on the arm of one of the witnesses

Prithipal Singh. Learned counsel submits that a false and fabricated case having been planted upon the petitioner is evident from the unexplained delay of 32 days in lodging of the FIR. It has also been submitted that both the material witnesses i.e. the complainant as well as the stamped witness Prithipal Singh stand examined before the trial Court. Learned counsel further submits that the trial is unlikely to conclude in the near future as 17 prosecution witnesses remain to be examined. A prayer has, therefore, been made 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 controvert that the petitioner has not been attributed any injury on the person of the deceased and that there was a delay of 32 days in lodging of the FIR in question. However, he submits that a DDR was recorded on the day of occurrence itself qua the occurrence in question and the FIR was registered after the deceased succumbed to his injuries on 17.01.2022. He has also not been able to dispute that both the material witnesses i.e. the complainant Lakhwinder Kaur and stamped witness Prithipal Singh, who was allegedly inflicted an injury on his arm by the petitioner, have since been examined before the trial Court.

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

5. The petitioner has now been in custody for almost one year and six months, having been arrested on 09.02.2022. Both the material witnesses i.e. the complainant as well as the stamped witness Prithipal Singh, stand examined, hence, there is no likelihood of the petitioner trying to influence the material witnesses or tamper with evidence. The trial would take considerable time to conclude as 17 prosecution witnesses still remain to be examined. In the facts and circumstances, as enumerated hereinabove, 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.

(MANJARI NEHRU KAUL)
JUDGE

July 31, 2023
rps

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