

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

208-2

CRM-M-56951-2022

Date of decision: 07.02.2023

Balwinder Ram

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.27 dated 03.03.2022 lodged under Sections 307, 160, 148, 149 and 120-B of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Lohian, District Jalandhar Rural.

Learned counsel for the petitioner, while drawing the attention of this Court to the FIR in question which has been annexed as Annexure P-1, submits that a perusal of the same clearly reveals that the petitioner had not been named therein nor any specific role attributed to him. Learned counsel submits that the petitioner was nominated as an accused in pursuance of a disclosure statement made by co-accused Aprail Singh, who had since been extended the concession of bail by this Court vide order dated 22.11.2022 (Annexure P-3). Learned counsel still further submits that the petitioner has now been in custody since June, 2022 and there is no likelihood of the trial

concluding in the near future as only challan stands presented coupled with the fact that as many as 33 prosecution witnesses have been cited by the prosecution.

On a pointed query put to the learned counsel for the petitioner he has apprised this Court that the petitioner does not have a criminal past and is not involved in any other criminal case much less in a case of similar nature.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite has not been able to dispute the factual aspect of the submissions made by the counsel opposite. He has, on instructions ASI Mohan Singh, further submitted that the charges are likely to be framed on 08.02.2023. He has also not disputed that the case of the petitioner is at par with that of co-accused Aprail Singh who has since been extended the concession of bail by this Court vide order dated 22.11.2022.

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

The petitioner was nominated as an accused pursuant to a disclosure statement made by co-accused April Singh. The petitioner has been in custody since 10.06.2022 and the trial shall take considerable time to conclude as charges have not yet been framed.

In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner. 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.

07.02.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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