

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(211)

CRM-M-57817 of 2022
DATE OF DECISION:-23.02.2023

Nishan Singh

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. G. S. Bawa, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.184 dated 17.09.2020 under Sections 307, 34 of the IPC, 1860 and Arms Act 25 and 27 of the Arms Act 1959, registered at Police Station Chheharta, District Police Commissionerate, Amritsar (Punjab).

Learned counsel for the petitioner submits that originally the petitioner was never named in the FIR but was implicated on the basis of supplementary statement made by the complainant wherein, he stated that the petitioner caught hold of Navraj Singh Noor who was the pillion rider along with the complainant at the time of incident. Learned counsel further submits that investigation in the present case already stands over with the filing of *challan*, however, out of the total 16 witnesses cited by the prosecution, none has been examined so far. Learned counsel also submits that all the other co-accused have already been granted concession of regular bail even including the main accused as per allegation levelled in the

FIR namely Harman Humma, thus, the petitioner deserves the concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that petitioner is facing trial in as many as 4 other cases including the present one.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Considering the fact that the investigation in the present case already stands concluded, however, none of the prosecution witnesses having been examined so far and the petitioner being already behind the bars for almost 1 year, 7 months and 25 days now, the trial likely to take some time and also considering the fact that all the other co-accused of the petitioner have already been granted concession of regular bail, the petitioner deserves the concession of regular bail. As regards the pendency of other cases against the petitioner, it may be pointed out here that even as per the law laid down by the Hon'ble Supreme Court in case of **Maulana Mohd. Amir Rashadi Vs. State of U.P.**, reported as 2012 (1) RCR (Criminal) 486, for the purpose of consideration of bail, the allegations levelled in the FIR in question are primarily to be seen though the antecedents of accused have some relevance.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an

expression on the merits of the case.

23.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No