

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

215

CRM-M-60391-2022

Date of decision: 09.01.2023

Kamaljit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. H.S. Randhawa, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, 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.40 dated 11.02.2022 lodged under Sections 307, 341, 323, 427, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Sadar Samana, District Patiala.

Learned counsel for the petitioner, while inviting the attention of this Court to the FIR which has been annexed as Annexure P-1, submits that a perusal of the same clearly reveals that neither the petitioner was named therein nor any specific attribution levelled against him. It has been further submitted that the petitioner came to be nominated as an accused only nine days after the occurrence in question and that too in the disclosure statement of co-accused Gursahib Singh. It has also been submitted that similarly situated co-accused namely Pardeep Singh @ Laddi and Sunny Singh, who too had not been named in the FIR, have since been extended the concession of bail by this Court vide orders dated 02.12.2022 and 23.12.2022 respectively.

Learned counsel submits that as the petitioner has now been in custody since 21.02.2022 and only charges stand framed as on date, hence, the trial would take considerable time to conclude and in the circumstances, his further incarceration would serve no useful purpose. It has also been submitted that the petitioner has clean antecedents and is not involved in any other criminal case much less a case of similar nature.

Per contra, learned State counsel on instructions while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert that it was nine days after the registration of the FIR in question that the petitioner came to be nominated as an accused in the disclosure statement of co-accused Gursahib Singh. Learned State counsel has also not disputed that the petitioner was neither named in the FIR in question nor any role much less any injury attributed to him. He has further conceded on instructions that the case of the petitioner is at par with the two other co-accused who have since been extended the concession of bail by this Court. Learned State counsel on further instructions has apprised the Court that as many as 31 prosecution witnesses have been cited and the prosecution evidence is likely to commence on 24.01.2023.

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

The petitioner has been in custody for almost a year having been arrested on 21.02.2022 and as also conceded by the learned State counsel has neither been named in the FIR in question nor any specific role attributed to him and has been nominated as an accused on the basis of a disclosure statement made by co-accused.

Hence, in the facts and circumstances as enumerated hereinabove, the instant petition is allowed as the trial shall take considerable time to conclude. 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.

09.01.2023

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(MANJARI NEHRU KAUL)
JUDGE

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