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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57823-2023 (O&M)

Date of Decision: 22.11.2023

Ajay Kumar

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.P.S. Pathania, Advocate, for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 0062 dated 30.06.2023 under Sections 307, 326, 341, 324, 323, 148 and 149 IPC, registered at Police Station Division No.1, District Pathankot.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody for about 3 months and 22 days and investigation of the case has already been completed and thereafter even charges have been framed on 28.09.2023. He submitted that so far as the present petitioner is concerned, no role has been attributed to the petitioner as per the allegations contained in the FIR and submitted that he has been

falsely implicated in the present case and, therefore, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab has submitted that it is correct that now the charges have been framed and it is also correct that even as per allegations there is no direct role attributable to the petitioner but thereafter it was found that he was a member of unlawful assembly and participated in the crime. He further submitted that the petitioner is involved in one more case under Section 379 IPC.

4. I have heard the learned counsel for the parties.

5. The investigation of the case has been completed and even the charges have been framed. The petitioner is stated to be only a member of the unlawful assembly but even as per the learned counsel for the parties, no direct role has been attributable to the petitioner. The trial of the case may take long time and it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as

an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

22.11.2023

rakesh

Whether speaking : Yes/No

Whether reportable : Yes/No

(JASGURPREET SINGH PURI)

JUDGE