

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202+205

Decided on :13.12.2023

(I) CRM-M-57133-2023 (O&M)

Mouvish Bains

...Petitioner

Versus

State of Punjab and others

... Respondents

(II) CRM-M-60587-2023 (O&M)

Sagar @ Nutran

...Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Bipin Ghai, Sr. Advocate with
Ms. Malini Singh, Advocate,
Mr. Rishab Singh, Advocate and
Mr. Nikhil Ghai, Advocate for the petitioner
in CRM-M-57133-2023.

Mr. Lakshay Bector, Advocate
for the petitioner in CRM-M-60587-2023.

Mr. Rohit Ahuja, DAG, Punjab.

Ms. Himani, Advocate for
Mr. C. S. Rana, Advocate
for the complainant in CRM-M-57133-2023.

HARSIMRAN SINGH SETHI , J. (Oral)

By this common judgment two petitions seeking concession of regular bail to the petitioner(s) in respect of FIR No. 88 dated 08.05.2022 registered under Sections 307, 452, 427, 148, 149, 506 of the Indian Penal Code, 1860 and Section 25/27 of the Arms Act at Police Station Tibba, District Ludhiana.

The status reports in both cases have been filed by learned State counsel in the Court today and the same are taken on record.

Learned Senior counsel for the petitioner in CRM-M-57133-

2023 argues that the petitioners were not named in the FIR but have been roped in on the basis of supplementary statement of the complainant. Learned counsel for the petitioner(s) submits that the petitioners are behind bars for the last one year and there is no weapon as well as injury attributed to the petitioner(s). Same argument has been addressed by the learned counsel for the petitioner in CRM-M-60587-2023 qua the petitioner therein.

Learned counsel for the petitioner(s) submits that the charges have been framed and out of total 13 cited prosecution witnesses, not even a single prosecution witness has been examined so far by the trial Court, hence it can be said that the trial would take some time before it concludes and there is no justifiable reason to keep the petitioners behind bars during the entire period of trial hence, the petitioners be extended the concession of regular bail.

Learned State counsel submits that though the petitioners were not named in the FIR and have been roped in on the basis of supplementary statement of the complainant, but the petitioners are involved in other cases as well, due to which it can be said that the petitioners are habitual offenders hence, the prayer of the petitioners for the grant of regular bail may kindly be declined.

Learned counsel for the complainant submits that the victim has already compromised the matter with one of the petitioner, namely Mouvish Bains, hence, she does not oppose the prayer of the petitioners for the grant of concession of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As far as the petitioners in the present case are concerned, they

both were not named in the FIR and have been roped in on the basis of supplementary statement of the complainant. Further it is also a conceded position that no weapon or injury has been attributed to the petitioners. It has also come on record that the victim has already compromised the matter with one of the petitioner, namely, Mouvish Bains and the complainant is not opposing the prayer made by the petitioners for the grant of regular bail.

Keeping in view the facts and circumstances of the present case noticed herein before coupled with the fact that out of total 13 cited prosecution witnesses, no prosecution witness has been examined so far, as the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioners behind the bars during the entire period of trial hence, the petitioners have made out the case for the grant of regular bail especially when the petitioners have undertaken before this Court that the petitioners will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner.

Without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

A photocopy of this order be placed on the file of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

13.12.2023

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: Yes/~~No~~