

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2010-2024

Date of Decision: 18.04.2024

Tarsem Singh alias Rajvir

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.24 dated 11.05.2023 registered under Sections 302, 323, 148, 149, 120-B of IPC, at Police Station Smalsar, District Moga.

2. Learned counsel for the petitioner contends that even though the petitioner has been named in the FIR, however, no specific role has been assigned to him. Learned counsel further contends that as per the prosecution, the CCTV footage of the entire occurrence was collected during the course of investigation and even as per the said CCTV footage, the petitioner is shown to be empty handed and simply shown to be present at the place of occurrence. Learned counsel further contends that in fact, the petitioner had not participated in the occurrence and was trying to stop the co-accused from beating the deceased and had no reason to participate in the alleged occurrence. He further

contends that in the present case, the petitioner was arrested on 12.05.2023 and is in custody since then. The final report under Section 173 Cr.P.C. has already been presented before the Competent Court of law and no meaningful purpose will be served by keeping the petitioner behind the bars.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. It is the admitted case of the parties that the petitioner was present at the spot and as per learned State counsel, he was abetting the other co-accused to cause injuries to the deceased. Apart from that, no specific injury has been attributed to the present petitioner, which is apparently visible from the CCTV footage, which was collected during the course of investigation. Further, the prosecution has placed reliance on 21 witnesses, but no witness has been examined so far and there are no chances of early conclusion of the trial.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

18.04.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No