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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7439-2024

Date of Decision: 04.04.2024

Jagpreet Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Arun Takhi, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior 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.234 dated 22.08.2023 registered under Sections 308, 323, 506, 148, 149 of IPC and offence under Section 302 IPC (added later on), at Police Station Tanda, District Hoshiarpur.
2. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR nor the allegations levelled by the complainant in the FIR connect him with the commission of crime in any manner. Learned counsel further contends that the petitioner has been falsely involved in the present case on the basis of the supplementary statement made by the complainant and the disclosure statement suffered by Ranjodh Singh alias Jodha, co-accused on 25.08.2023. Even as per the said statements, no specific injury has been attributed to the present petitioner and he had not even present at the place, where the injuries were allegedly caused to Akash, since deceased.

Rather, it has been alleged that the petitioner was sitting in the car, while his co-accused had caused injuries to Akash, since deceased. He further contends that even no recovery has been effected from the present petitioner. He further contends that the injuries were caused to Akash on 21.08.2023, whereas he had expired on 19.10.2023 after a lapse of about 02 months. The petitioner was arrested in the present case on 15.09.2023 and is in custody for the last more than 6 months. He further contends that the petitioner is the first offender and was never involved in any criminal activity. Even the final report under Section 173 Cr.P.C. has already been presented against him.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

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

5. The petitioner was not initially named by the complainant in the FIR and has been named as one of the accused by the complainant in his supplementary statement. Even as per the case set up by the prosecution, he was sitting in the car, while his co-accused had caused injuries to Akash, since deceased and no other role has been attributed to him.

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

04.04.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No