

2292024:PHHC:028770

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-9577-2024 (O&M)

Date of Decision: February 29, 2024

BASHEER KHAN ALIAS BASHIR KHAN

Versus

STATE OF PUNJAB

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shailesh Aggarwal, Advocate for the petitioner.
Mr. Athar Ahmed, DAG, Punjab.
Mr. Ishan Gupta, Advocate for the complainant.

HARKESH MANUJA, J. (ORAL)

1. By way of this second petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.123 dated 14.11.2020 registered under Sections 302, 341, 34 and 120-B of IPC & Sections 25, 27, 54 and 59 of Arms Act (Sections 483, 379 and 411 of IPC & Section 207 of Motor Vehicles Act were added later) at P.S. Sandaur, District Sangrur wherein, the petitioner has been implicated on the basis of disclosure statement made by witnesses namely Ishwar Singh and Balvir Singh which was recorded after 5 days of the incident i.e. 19.11.2023.
2. Mr. Ishan Gupta, Advocate appears on behalf of complainant and files his power of attorney, the same is taken on record. The prayer made herein has been opposed at the instance of learned State counsel assisted by learned counsel for the complainant while submitting that the petitioner was duly identified by the complainant in the Court as well as in the test identification parade, being part of the group of assailants who played vital role in the incident and thus, he does not deserve the concession of regular bail.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.
4. In the present case, investigation stands concluded with the filing of challan followed by framing of charges whereas, only 2 of the prosecution witnesses have been examined so far out of the total of 20. The petitioner is already behind the bars for the past 3 years and 3 months by now and the trial is likely to take some time. Even as per the version given by the witnesses namely Ishwar Singh and Balvir Singh, during investigation, the firearm injury was given by Dharminder alias Ghoda and the petitioner at best was one of the assailants who has already suffered incarceration for a long time. Considering the aforesaid facts and circumstances, this Court does not find justification to extend his incarceration any further.
5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

29.02.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

