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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10146-2024
Date of decision:-18.05.2024

RAJINDER SINGH @ ASHOKA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Mandeep Singh, Advocate for the petitioner.

Mr.Aadesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed short reply by way of affidavit dated 11.04.2024 of Deputy Superintendent of Police, Sub-Division Kotkapura and custody certificate dated 17.05.2024. The same are taken on record. Copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
195	25.10.2023	436, 427, 201 and 120-B IPC	City Kotkapura, District Faridkot

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, he



has no concern whatsoever with the alleged occurrence and is in custody since 27.10.2023. He submits that there is no eye witnesses to the occurrence connecting the petitioner with the alleged occurrence. Moreover, as per the owner of the liquor vend that the alleged mischief committed by the accused there had been damage to the shutter only. He submits that after investigation, challan has since been presented and as such petitioner is not required for further investigation in the case and none of the 11 witnesses cited by the prosecution has been examined, as such prays for grant of bail.

4. *Per contra*, learned State counsel has opposed the bail petition by referring to the reply dated 11.04.2024 and argued that the petitioner along with co-accused had tried to set the liquor vend on fire and considering the gravity of the offence, he is not entitled for concession of bail. He however, admitted that 11 witnesses have been cited by the prosecution and none of them have been examined till date and there is no other case pending against the petitioner.

5. After considering the rival contentions and perusing the record, it is transpires that the instant FIR was registered against three persons including the petitioner on the allegations that they had hatched conspiracy and in pursuance thereto, in order to intimidate the owners of the liquor vend they caused damage to the vend by putting the same on fire. The petitioners and another co-accused were named in the FIR on the basis of some secret information received by the author of the FIR. The petitioner was arrested on 27.10.2023 and after completion of investigation challan has been presented in Court where it is pending trial.



6. From the perusal of record it transpires that the petitioner is not having any criminal antecedents and the contention of the learned counsel for the petitioner qua the damage in the incident is being only to the shutter of the vend is not disputed by the learned counsel for the State. Admittedly none of the 11 witnesses cited by the prosecution have been examined, no specific overt act has been attributed to the petitioner. The conclusion of trial in the present case to ascertain criminal liability, if any of the petitioner will take sufficient long time and no purpose would be served by detaining a petitioner in custody any longer.

7. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.05.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |