

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11969-2023
DECIDED ON: 29.01.2024

NITTU ALIAS SITTA
.....PETITIONER

VERSUS

STATE OF UT CHANDIGARH
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Ankur Bali, Addl. P.P., UT Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.375, dated 17.09.2018, under Sections 307, 34 of IPC, 1860 and Section 27 of Arms Act, 1959 (Charge framed in Sections 307, 34, 147, 148, 149 of IPC and Section 27 of Arms Act, 1959), registered at Police Station Sector-39, Chandigarh.
2. Learned counsel for the petitioner submits that it is a case of no injury and the petitioner has been falsely implicated in the instant FIR, therefore provisions of Sections 307, 147, 148, 149 of IPC and Section 27 of Arms Act have been wrongly invoked against him and the petitioner is in custody since 24.05.2019. He asserts that on a perusal of the FIR, it can be made out convincingly that main allegations are against one Krishan Gatha, co-accused and his associates namely Manoj Butana, Sandeep Kala, Jashmer Popa, Som Mahmoodpur, Kuldeep and Naveeen Dodi.

3. Learned State counsel could not dispute the fact that the petitioner has not been attributed any specific injury, though prays for dismissal of the instant petition on the ground that he is involved in 11 other cases.

4. Heard, learned counsel for respective parties.

5. Be that as it may, considering the fact that the petitioner is behind the bars for the last more than three and half years, who have not been attributed any specific role to cause injury and no recovery of any weapon is there added with the fact that the investigation is complete, charges stands framed on 27.04.2022 and no witness has been examined so far, which is suffice to convince this Court that trial will certainly take long time, no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period during the course of trial proceedings, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India.

6. As far as the contention of learned State counsel with regard to pendency of other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

7. In the light of the above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. The present petition, is hereby allowed.

9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.01.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>