



CRM-M-11871-2024

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**221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-11871-2024
Decided on : 31.07.2024

Sagar Hans @ Chinu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. D.S.Gandhi, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Sarbjit Singh, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.132 dated 13.11.2023 under Sections 302, 307, 160, 323, 324, 148 and 149 IPC (Sections 212, 216, 120-B, 473 IPC and 25, 27, 54 and 59-A of Arms Act were added later on) registered at Police Station D-Division Police Commissionerate Amritsar District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 16.11.2023 in a case of false implication. In support, learned counsel has drawn the attention of this Court to the FIR, which has been annexed as Annexure P-1, and



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argued that a perusal of the same reveals that although the petitioner was named therein, however, even as per the admitted case of the complainant, he was unarmed and there was no specific attribution qua his participation in the crime in question wherein one person lost his life and two others sustained injuries. It has been argued by the learned counsel that the occurrence, which took place in the intervening night of 12/13.11.2023, was in fact a case of sudden fight between two groups in which both the sides received injuries at the hands of each other. Learned counsel has further submitted that the investigation in the present case is complete as challan stands presented, however, since as many as 42 prosecution witnesses have been cited, there is no likelihood of the trial concluding in the near future as even charges have not yet been framed till date.

3. Per contra, learned State counsel assisted by counsel for the complainant has opposed the prayer made by learned counsel for the petitioner. However, it has not been disputed by the State counsel, on instructions from Inspector Mohit Kumar that no injury much less fatal had been attributed to the petitioner in the crime in question. The stage of the trial has also not been disputed by the State counsel. However, learned counsel for the complainant has asserted that the petitioner was involved in a heinous crime for which he does not deserve to be extended the concession of bail.



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4. I have heard learned counsel for the parties and perused the material placed on record.
5. As not disputed by the State counsel, no role has been attributed to the petitioner in the crime in question other than his presence being reflected along with the co-accused. The trial is unlikely to conclude in the near future as charges are likely to be framed only on the next date of hearing.
6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

31.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

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