

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

247/2

2024:PHHC:035299

CRM-M-11951-2024

Date of decision: March 12th, 2024

Bunty

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.132 dated 13.11.2023 under Sections 302/307/160/323/324/148/149 of the IPC read with Sections 212/216/120-B, 201, 473 of the IPC (added later on) registered at Police Station D Division, Amritsar.

2. Learned counsel for the petitioner, *inter alia*, contends that a perusal of the FIR, which has been annexed as Annexure P-1, leaves no manner of doubt that the occurrence in question, which took place in the intervening night of 12/13.11.2023 was a result of a sudden fight between two groups in which both the sides received injuries at the hands of each other. One person Arun Kumar lost his life while two other received firearm injuries in the occurrence in question. Learned counsel submits that the petitioner was not present when the actual occurrence took place in the street nor was he seen in near vicinity of the place of occurrence. He submits that subsequently on the basis of a

disclosure statement suffered by co-accused Amit, the petitioner was nominated as an accused; the only allegation levelled was that he was present in the guest house of one of the co-accused Nikku Gill, when prime accused went there after the occurrence in question. Learned counsel has submitted that in the circumstances, it was evident that the petitioner had no role to play much less of instigating either of the groups to commit the murder in question nor did he have any motive to conspire with any of the co-accused. Learned counsel has submitted that since the investigation is complete as the challan stands presented, further incarceration of the petitioner would serve no useful purpose as 42 witnesses have been cited by the prosecution and none of them has been examined till date.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Balwinder Singh, has not been able to dispute the submissions made by the counsel for the petitioner with respect to the factual aspect of the role attributed to him. It has also not been disputed that *prima facie*, it does come across as being a case of sudden fight which took place in the middle of a night in a street. Learned State counsel, on instructions has also not disputed that the petitioner was not present at the time of the alleged occurrence nor any allegation had been levelled against him of having instigated the quarrel. He, however, submits that after the occurrence in question when one of the co-accused went to the guest house of co-accused Nikkul Gill, the petitioner was also present there.

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

5. *Prima facie*, it appears to be a case of sudden quarrel between two armed groups; learned State counsel has not disputed that the petitioner was not associated with either of the two groups nor was he present in the vicinity of the alleged occurrence.

6. In the facts and circumstances as enumerated hereinabove, more so since the investigation in the case at hand is complete, further incarceration of the petitioner would serve no useful purpose. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

March 12th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No