

CRM-M-12584-2024
Decided on: 18.03.2024

.....PETITIONER(s)

.....RESPONDENT(s)

2. Learned counsel for the petitioner, at the outset, while drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, submits that a perusal of the FIR clearly reveals that it had been stated by the complainant therein that while they were riding their motorcycle, some unidentified persons came on 3 to 4 motorcycles with muffled faces and way laid them; thereafter, they started assaulting them and snatched their mobile handsets along with some cash from the pocket of his son's shirt. Further, while the complainant and his son were

being assaulted, the mask of one of the assailants fell down and it was then that the son of the complainant identified him as co-accused Husanpreet Singh @ Sunny and Sajan Singh. Learned counsel for the petitioner has submitted that the complainant had categorically alleged in the FIR that later on, when the complainant made their own inquiries they learnt that besides the aforementioned two accused, the other assailants including the petitioner were also present along with above mentioned two accused. Learned counsel for the petitioner has further submitted that thus it is evident that the petitioner has been falsely implicated in the case in hand, moreso, when it is also a matter of record that the petitioner has clean antecedents as he is not involved in any other criminal case much less a case of similar nature. Learned counsel for the petitioner shall further submits that since the petitioner has now been in custody for almost 07 months having been arrested on 28.08.2023, his further incarceration would serve no useful purpose as not only the investigation is complete but even charges stand framed.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions from ASI Surjit Singh, has not disputed that the complainant had indeed alleged in the FIR in question that after the occurrence in question, they had made inquiries at their own level wherein they learnt that the petitioner was also one of the assailants, who had accompanied the co-accused, and assaulted the complainant party on the fateful day. It has also not been disputed by the State counsel, on instructions, that

investigation in the case in hand is complete and even charges stand framed.

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

5. The petitioner has been in custody since 28.08.2023. The conclusion of the trial would take considerable time to conclude as none out of the 22 witnesses cited by the prosecution has been examined yet. The petitioner as conceded by the learned State counsel is not involved in any other criminal case, much less, a case of similar nature.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed; the petitioner be admitted to bail 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.

18.03.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No