

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-15255-2024

Date of decision: 04.04.2024

Sharanjit Singh @ Raja

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.132 dated 13.11.2023 under Sections 302, 307, 160, 323, 324, 148, 149 of the IPC (Sections 212, 216, 120-B, 473, 201 of the IPC added lateron) and Sections 25, 27 of the Arms Act, 1959 registered at Police Station D Division, District Amritsar.

2. Learned counsel for the petitioner at the outset has drawn the attention of this Court to the FIR which has been annexed as Annexure P-1, to urge that neither was he named therein nor any suspicion raised qua his involvement in the fight which erupted between two groups on the intervening night of 12/13.11.2023. Learned counsel has submitted that it was in a case of sudden fight between two groups and the petitioner came to be nominated as an accused only on the basis of a disclosure statement of one of the co-accused, who had participated in the occurrence in question. As per the disclosure

statements allegedly suffered by the co-accused, the petitioner had escorted him away from the place of occurrence and given him shelter at some place. Learned counsel has submitted that in the facts and circumstances and the role attributed to the petitioner, he could not in any manner be connected with the occurrence in question wherein one person lost his life and three others from both the sides were injured as it was not even the case of the prosecution that he had in any manner instigated either of the two groups to commit the crime in question or had provided any weapon of offence to them. Learned counsel has submitted that the petitioner has clean antecedents and he has now been in custody since 29.12.2023; investigation is complete as challan stands presented, hence, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude moreso since 45 witnesses cited by the prosecution.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Charan 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 the petitioner in the occurrence in question. It has also not been disputed by the learned State counsel that prima facie it appears to be a case of a sudden fight which took place in the middle of the night in a street. It has also not been disputed by the learned State counsel on instructions that the petitioner was not present when the occurrence in question took place nor did he in any manner abet the crime in question.

4. On a pointed query put to the learned State counsel as to

whether the petitioner has any criminal antecedents, he, on instructions has replied in the negative.

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

6. Prima facie it does appear to be a case of a sudden quarrel between two groups of people who were armed with weapons. Admittedly, injuries were received by both the sides and as not disputed by the learned State counsel, the petitioner did not participate in the occurrence in question. The only role attributed to the petitioner is of having escorted one of the accused after the crime had been committed to some place. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. 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. 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.

04.04.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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