

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

237

CRM-M-17405-2024  
Date of decision: 16.04.2024

Karan Singh @ Suraj

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Malkiat S. Hundal, Advocate  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.172 dated 23.09.2023 under Sections 399, 402 of the IPC, Section 25 of the Arms Act, 1959 and Sections 21, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Sections 307, 216 of the IPC added lateron) registered at Police Station Sadar Tarn Taran, Tarn Taran.

2. Learned counsel for the petitioner inter alia contends that it is evidently a case of false implication. He was neither named in the FIR in question nor was there any specific attribution levelled against him therein. He submits that the only role attributed to the petitioner was of harbouring co-accused Avtar Singh @ Sahil who had been declared a proclaimed offender in some other FIR. Learned counsel further submits that it is a matter of record that no recovery of any contraband or firearm etc. was effected from him when he was arrested

on 29.09.2023. He has still further submitted that the investigation in the case at hand is complete as challan stands presented, however, the trial would take considerable time to conclude as charges have not yet been framed coupled with the fact that as many as 21 witnesses have been 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 Gurinder Singh, has not disputed the factual aspect of the role attributed to the petitioner in the crime in question. He has also not disputed that no recovery of any contraband or looted articles including any firearm was effected from the petitioner when he was arrested on 29.09.2023. Learned State counsel has also not controverted the status of the trial and has further submitted that the next date fixed before the learned Trial Court is 24.04.2024 when charges are likely to be framed. He, on further instructions, submits that the petitioner is involved in two other criminal cases including a case under the NDPS Act, however, it has not been disputed that the co-accused of the petitioner in the instant FIR are not involved in those two criminal cases.

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

5. Admittedly, the petitioner was neither named in the FIR in question nor any suspicion raised qua his involvement in the alleged crime. The only role attributed to the petitioner is of having harboured one of the co-accused who was absconding in another FIR which stood registered against him. The investigation in the case at hand is complete, hence, in the facts and circumstances particularly the role attributed to the petitioner, his further incarceration would serve no

useful purpose. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

6. 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.

7. 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.

16.04.2024  
Vinay

(MANJARI NEHRU KAUL)  
JUDGE

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