

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-18159-2024

Date of decision: 19.04.2024

Prem Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Janak Singh Bhinder, 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.111 dated 27.08.2021 under Sections 323, 324, 341, 148, 149 of the IPC (Sections 326 and 307 of the IPC added lateron) registered at Police Station Shambhu, District Patiala.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 11.10.2022 in a case of false implication; after the challan was presented on 04.01.2023, the case was being adjourned repeatedly and charges had not been framed till date. Learned counsel has submitted that even otherwise a perusal of the allegations levelled in the FIR clearly reveal that though he has been named therein, however, no role much less any specific injury has been attributed to him on any of the injured including the complainant. It has been further submitted that the co-accused, out of whom one of them had been attributed an injury on the person of the injured, had

already been extended the concession of bail vide order dated 07.03.2024 (Annexure P-3).

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Angrej Singh, has not disputed that the petitioner has not been attributed any injury on the person of any of the injured at the time of the occurrence in question, however, he submits that the petitioner was named in the FIR and at the relevant time was allegedly armed with a gandasi. On a pointed query put to the learned State counsel, he has not disputed the stage of the trial and on further instructions has informed the Court that as many as 28 witnesses have been cited by the prosecution; next date fixed before the learned Trial Court is 01.05.2024 when charges are likely to be framed. It has also been conceded by the learned State counsel, on instructions, that all the injuries including injury inviting the mischief of Section 307 of the IPC have been attributed to the co-accused who are still in custody. On further query put to the learned State counsel qua the criminal antecedents of the petitioner, it has been submitted that though the petitioner is not involved in any other criminal case of identical nature, however, there is one case registered under the Prevention of Defacement Act which was lodged in the year 2022 and under the Unlawful Activities Act.

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

5. The possibility of the trial concluding in the near future seems improbable in view of the charges having not yet been framed

despite the fact that the challan was presented more than a year back on 04.01.2023. The petitioner in the occurrence in question has not been attributed any specific role or injury other than his presence being shown with a gandasi along with the co-accused. In the facts and circumstances as enumerated hereinabove, this Court 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.

19.04.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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