



CRA-S-1529-2024

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**243 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRA-S-1529-2024
Decided on : 02.08.2024

Jaswinder Singh @ Deepu

..... Appellant

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Japjit Singh Johal, Advocate
for the appellant.

Mr. Shiva Khurmi, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the appeal filed against order dated 10.01.2024 passed by Addl. Sessions Judge, Hoshiarpur vide which application for regular bail in case FIR No.133 dated 12.05.2023 under Sections 302, 120-B IPC and 25, 27 of Arms Act, 1959 and Sections 3 and 4 of SC and ST (Prevention of Atrocities) Act, 1989 registered at Police Station Model Town District Hoshiarpur, was dismissed.

2. Learned counsel for the appellant, at the outset, while drawing the attention of this Court to the FIR in question, which has been annexed as Annexure A-1, has argued that a perusal of the same reveals that neither was he named therein nor any suspicion raised qua his involvement in the alleged crime; the appellant was not even named in the supplementary statement of the complainant.



The appellant came to be nominated as an accused on the basis of CCTV footage, which was retrieved from the place of occurrence as he was allegedly present at the scene with the co-accused. Learned counsel has argued that however, even in the CCTV footage, except for his alleged presence at the relevant time and place, there was no evidence at all reflecting his participation in the occurrence in question. Learned counsel has still further submitted that since challan stands presented and charges also framed, further incarceration of the appellant would serve no useful purpose as he has been in custody for more than one year, having been arrested on 21.06.2023 coupled with the fact that none of the 39 prosecution witnesses have been examined till date.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the appellant, on instructions from ASI Hans Raj, has not been able to dispute that neither was the appellant named in the FIR in question nor any injury attributed to him in the alleged occurrence. However, he submits that in the CCTV footage, the appellant was clearly visible along with the other co-accused at the place of occurrence. The stage of the trial has also not been disputed by the learned State counsel, who submits that the next date of hearing before the trial Court is 09.08.2024 when prosecution evidence is likely to commence.

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



5. The appellant has been in custody since 21.06.2023. As admitted by the learned State counsel, neither the appellant was named in the FIR in question nor any injury attributed to him in the occurrence in question. The investigation in the case in hand is complete as challan stands presented. The trial will take time to conclude.

6. Hence, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the appellant. Accordingly, the instant appeal is allowed. The appellant be admitted to bail on his furnishing bail/surety bonds 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.

02.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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