

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-20607-2024

Date of decision: 03.05.2024

Nitin Sharma alias Nitin alias Ashu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. G.K. Mann, Sr. Advocate with
Mr. Anmol Jeevan Singh Gill, 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.0132 dated 13.11.2023 under Sections 302, 307, 160, 323, 324, 148, 149, 212, 216, 201 and 120-B of the IPC and Sections 25-27-54-59-A of the Arms Act, 1959 registered at Police Station D-Division, District Police Commissionerate Amritsar.

2. While drawing the attention of this Court to the FIR in question which has been reproduced in the body of the petition, learned senior counsel for the petitioner has fairly submitted that no doubt the petitioner has been named therein, however, a minute reading of the FIR reveals that firstly the petitioner was unarmed and still further no role much less any injury on either the injured witness or even the deceased i.e. Arun has been attributed to the petitioner. Learned senior counsel has further submitted that in fact the occurrence in question took place in the intervening night of 12/13.11.2023 which was a

sudden clash between two groups wherein both the parties received injuries at the hands of each other; while one person from the complainant side died and two persons indeed received injuries, from the side of the petitioner in the FIR case also one person had received injury at the hands of the opposite party. On a pointed query put to the learned senior counsel as to whether the petitioner has any criminal antecedents, she has categorically replied in the negative. She has further submitted that the petitioner has been in custody since 13.11.2023 and the investigation in the case at hand is complete as even challan stands presented, however, there is no likelihood of the trial concluding in the near future since as many as 42 prosecution witnesses have been cited coupled with the fact that charges are likely be framed only on the next date of hearing.

3. Per contra, learned State counsel while opposing the prayer made by learned senior counsel for the petitioner, on instructions from ASI Sudesh Kumar, has not disputed the factual aspect of the role attributed to the petitioner; learned State counsel on further instructions has also not disputed that it appears to be a case of sudden quarrel between two armed groups wherein both the sides had received injuries at the hands of each other. The stage/status of the trial has also not been disputed by the learned State counsel. He submits that the next date fixed before the learned Trial Court is 08.05.2024 when charges are likely to be framed.

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

5. As not disputed by the learned State counsel, the petitioner

has clean antecedents and in the occurrence in question no specific role or injury has been attributed to him, other than his presence being reflected in the FIR in question which is reproduced in the body of the petition. The possibility of the trial concluding any time in the near future looks remote. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner 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.

03.05.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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