

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-20568-2024

Date of decision: 01.05.2024

Ravinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Amit Rana, Sr. 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.0232 dated 23.11.2022 under Sections 307, 452, 379, 148, 149, 506 of the IPC and Sections 25, 27 of the Arms Act (Section 397 of the IPC added lateron) registered at Police Station Mahilpur, District Hoshiarpur.

2. Learned counsel for the petitioner submits that as per the allegations levelled in the FIR annexed as Annexure P-1, seven boys riding their motorcycles came to the spot; they assaulted the complainant and one other person with the weapons which they were carrying at the relevant time and thereafter fled away from the spot, after snatching their mobile handsets. Learned counsel submits that the FIR in question was registered against unknown persons and there was no suspicion raised qua the involvement of the petitioner in the occurrence in question. Learned counsel has asserted that in the FIR in

question, the complainant had not even stated that in case the alleged assailants were brought before him he would be in a position to identify them. Learned counsel has submitted that subsequently when co-accused Akash was arrested, he allegedly suffered a disclosure statement wherein he stated that the petitioner had also participated in the occurrence in question. Learned counsel has submitted that the petitioner has clean antecedents and is not involved in any other criminal case much less a case of similar nature which clearly hints towards his innocence and false implication. It has been further submitted that the investigation in the case at hand is complete as challan stands presented, however, charges are yet to be framed; identically placed co-accused Jaspreet Singh @ Giani @ Jassa, Akash @ Keshav and Bhavnesh have already been enlarged on bail by this Court vide orders dated 15.04.2024, 15.04.2024 and 04.12.2023 respectively. Learned counsel submits that since 22 prosecution witnesses have been cited, likelihood of the trial concluding in the near future looks bleak.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Jasbir Singh, has not been able to controvert the stage of trial and the petitioner not being involved in any other criminal case. It has also not been disputed that the petitioner was nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Akash.

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

5. The petitioner, who has been arrayed as an accused on the

basis of a disclosure statement allegedly suffered by the co-accused, has been in custody since 14.02.2023. As not disputed by the learned State counsel, the petitioner is not involved in any other criminal case much less a case of similar nature. The trial would take considerable time to conclude as charges have not yet been framed and as many as 22 witnesses have been cited by the prosecution. 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.

01.05.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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