



CRM-M-35839-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(229)

CRM-M-35839-2024
Date of Decision : 30.09.2024

Billa Chaudhary @ Daleep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gaurav Datta, Advocate and
Mr. Vaibhav Bhargav, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Harshit Joon, Advocate
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 483 of BNSS, 2023, the petitioner prays for grant of regular bail in case FIR No.10 dated 10.02.2024 (Annexure P-1), under Sections 307, 323, 341, 506, 148 and 149 of the IPC, 1860, registered at Police Station Naya Gaon, District SAS Nagar (Mohali).
2. The allegations against the petitioner is that, he along with the other co-accused, has caused injuries to the complainant, and two other persons. On the basis of the complaint, made by one Ashu Santokh Singh, the instant FIR, has been registered.



3. On asking for the relief of regular bail, learned counsel for the petitioner submits that there is no specific injury, which has been attributed to the present petitioner, in the FIR (supra). Though, the petitioner is named in the FIR, and alleged to be armed with iron rod. He further submits that the petitioner has suffered incarceration of more than 05 months, as on today, and he is not involved in any other case, and has clean antecedents.

4. Learned State counsel, assisted by learned counsel for the complainant, has opposed the prayer as made by the learned counsel for the petitioner, and submits that the petitioner is one of the assailant, who was present at the spot with an iron rod, therefore, he is vicariously liable for all the acts and deeds done by all the other co-accused, with the aid of Section 149 of the IPC, 1860. He further submits that three persons suffered injuries, though all the injuries suffered by all the injured, were simple in nature, but it is the intent of the accused, which is to be seen and not the result of an act, which may end up in causing simple injuries.

5. Learned State counsel has also placed on record the custody certificate dated 28.09.2024, qua the petitioner, today in the Court. The same is ordered to be taken on record. The custody certificate reflects that the petitioner has suffered incarceration of about 05 months and 09 days.

6. This Court has heard the rival submission of the parties concerned, and is of the view that the instant petition is amenable to be allowed for the reasons hereinabove extracted :-

(i) that the petitioner has suffered incarceration of about 05 months and 09 days, and no injury, whatsoever, has been attributed to him;



- (ii) that the petitioner is not involved in any other case, except the instant FIR, and has a clean antecedents;*
- (iii) No prosecution witness has been examined, as on date, out of total 19 prosecution witness, as cited by the prosecution;*
- (iv) the trial of the case, is at the initial stage and conclusion of the same would take long time, therefore, no useful purpose will be served by further incarceration of the petitioner.*

7. Keeping in view the facts and circumstances of the case, further incarceration of the petitioner is not warranted at all, at this stage. Therefore, this Court, deems it fit and appropriate to enlarge the petitioner on regular bail. Accordingly, the instant petition is **allowed**.
8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.
9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

September 30, 2024
Manpreet

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