



CRM-M-37896-2024 (O&M)
Date of Decision : 27-09-2024

STATE OF PUNJABRespondent(s)

Mr. Arun Gupta, DAG Punjab.

Learned counsel for the petitioner submits that there is no role which has been attributed to the petitioner and the petitioner has been

included in the FIR under Section 149 of the IPC. Learned counsel for the petitioner submits that no injury to anyone has been attributed to the petitioner except a '*Lalkara*'. Learned counsel for the petitioner submits neither the deceased nor injured received any injury at the hands of the petitioner.

Learned counsel for the petitioner further submits that to co-accused namely Joginder Singh @ Jaggi and Sunil Kumar @ Sheela, who were similarly situated have already been granted the concession of anticipatory/regular bail hence, the petitioner, against whom even the allegation of '*Lalkara*' is yet to be proved, the petitioner may kindly be extended the concession of regular bail as he has already undergone incarceration for a period of 3 years 5 months and 20 days and the status of the trial is that out of total 21 witnesses which are cited to be examined, only 9 witnesses have been examined so far and the trial is not likely to conclude in the near future.

Learned State counsel keeping in view the status report filed submits that the only allegation against the petitioner is of giving '*Lalkara*' and no injury is attributed to the petitioner qua the deceased or the injured.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

Though, the petitioner is disputing his presence at the incident spot but the State is proving the same on the basis of the evidence which has come on record so far. The ultimate finding is to be given by the trial Court as to whether, the petitioner was present on the incident spot or not and whether, the petitioner gave a Lalkara/provocation to the accused to kill the deceased.

Further, the similarly situated accused namely Joginder Singh @ Jaggi and Sunil Kumar @ Sheela have already been granted the concession of anticipatory/regular bail as the case may be, which fact has gone un-rebutted at the hands of the learned State counsel.

Apart from this, the petitioner has already undergone incarceration for a period of 3 years 5 months and 20 days and it is likely that the trial will take more time to conclude as, only 9 witnesses out of total 21 witnesses have been examined so far coupled with all the facts which have been stated hereinbefore especially when, no other case is pending against the petitioner and the learned counsel for the petitioner has undertaken before this Court that in case, the petitioner is granted the concession of regular bail, he will not interfere with the trial or the witness, the petitioner has made out the case for the grant of concession of regular bail.

Without commenting upon the merits of the case, it is directed that the petitioner be release on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. In case of default of above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Present petition is allowed.

Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

27-09-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO