

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-39243-2023
Date of decision: 28.02.2024

MUKHTAR SINGH ALIAS MUKHA
....PETITIONER(S)

Versus

STATE OF PUNJAB
....RESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. B.S. Jaswal, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

SANJIV BERRY, J.(ORAL)

1. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
72	03.12.2015	307, 148, 149 of IPC and Sections 25 of Arms Act.	Khilchian, District Amritsar.

2. Status report dated 25.10.2023 in the form of an affidavit of Deputy Superintendent of Police, Baba Bakala Sahib, District Amritsar (Rural) has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He submitted that no specific overt act is attributed to the petitioner nor any injury is attributed to him but as per the case of prosecution only *lalkara* is attributed. During the course of investigation, the police had found him innocent and filed challan

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only qua accused Manpreet Singh @ Manni and Jagdeep Singh, however, the learned Court summoned the petitioner under Section 193 Cr.P.C. He is in custody since 25.04.2023 and all other accused are on bail. He submits that even the charge has not yet been framed and as such prayed for grant of bail.

4. Per contra, learned State counsel submits that the petitioner is alleged to have raised *lalkara* and has participated in the crime, however, he admitted that after investigation, the petitioner was found innocent by the police and was not challaned and he has been summoned only in pursuance to the order passed by learned trial Court under Section 193 Cr.P.C. He has also not disputed the fact that the other co-accused have since been granted concession of bail.

5. Considering the arguments and perusing the record, it is not disputed that as per the allegations, the petitioner is attributed *lalkara* having been raised and after investigation, he was found innocent. Admittedly, challan was presented by the police only qua accused Manpreet Singh @ Manni and Jagdeep Singh and the petitioner was later summoned under Section 193 Cr.P.C. by the concerned Court. It is not disputed that all other accused named in the FIR have since been granted concession of bail. The challan has already been presented but the charges have not yet been framed and the prosecution has cited 26 witnesses in the list annexed with the challan.

6. Considering all these facts and circumstances, it is observed that no purpose would be served by detaining the petitioner further in custody.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned

trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

28.02.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |