

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-39991-2024

Date of Decision: 23.08.2024

Kulwant Singh alias Happy

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.144 dated 11.12.2023 registered under Sections 324, 34 of IPC (Section 326 of IPC added subsequently), at Police Station Division D, District Police Commissionerate, Amritsar.

2. Learned counsel for the petitioner submits that the alleged occurrence had taken place on 02.12.2023 where the FIR has been got registered by the complainant on 11.12.2023 i.e. after 10 days of the occurrence. He further contends that even the petitioner was not named in the FIR and has been nominated on the strength of the disclosure statement made by Laksh, co-accused. Even as per the said statement, Laksh and the petitioner had caught hold of Kabir and Satyam had given a blow with kirch to him. He further contends that Laksh Khokher @ Kalu has been granted the concession

of anticipatory bail by this Court vide order dated 28.02.2024 (Annexure P-2), passed by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. The petitioner was arrested in the present case on 24.03.2024 and the challan has already been presented against him. Further, the prosecution has relied upon 15 witnesses, but no witness has been examined so far. Thus, the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

23.08.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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