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Date of Decision: 16.12.2024

....Petitioner

STATE OF PUNJAB

....Respondent

Present : Mr. Munish Raj Chaudhary, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner seeking concession of regular bail in case arising out of FIR No.0289 dated 13.06.2024 under Sections 451, 323, 506, 148, 149 of IPC (Sections 452, 380 of IPC added later on) at Police Station City Barnala, District Barnala.
2. The aforementioned FIR had been registered on the basis of statement recorded by the complainant-Harmandeep Singh alleging that the petitioner along with co-accused had formed a membership of unlawful assembly and in prosecution of common object of that assembly, had opened an assault upon him after criminally trespassing into his service station and had voluntarily caused injuries to him, took away a sum of Rs.27000/- from the drawer of his table and had left while extending threats to kill him. The petitioner was arrested on 13.06.2024. Investigation now stands concluded.
3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody from 13.06.2024. The trial is



likely to take time. No case for commission of offences under Sections 452 and 380 IPC has been made out. The injuries attributed to him are on non vital part of the body of the complainant. Three of the co-accused have been granted benefit of bail. On parity, he too deserves to be extended benefit of bail. Therefore, it is urged that petition deserves to be allowed.

4. Learned State counsel in terms of pleas as taken in the status report, on the other hand has argued that there are serious allegations against the petitioner and therefore, he does not deserve to be extended benefit of bail.

5. The petitioner is in custody since 13.06.2024. Challan has been presented. The trial is likely to take time. No useful purpose would be served by detaining the petitioner in custody. The subject offences are triable by learned Magistrate. It is well settled proposition of law that bail is the rule and jail is an exception. Taking all facts into consideration, the petitioner is ordered to be released on bail, the petition is allowed and the petitioner is allowed to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

16.12.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

1. Whether speaking/reasoned
- : Yes/No
2. Whether reportable
- : Yes/No