



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-M-41111-2024 (O&M)
Date of decision: September 2nd, 2024

Jatin @ Jatin Bhatti

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-33516-2024

Prayer in this application is for grant of leave to file the
present case without number of Roll of Advocate.

For the reasons mentioned in the application, the same is
allowed subject to just exceptions.

CRM-M-41111-2024

Petitioner is seeking the concession of bail under Section
483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case
FIR No.59 dated 28.03.2024 under Sections 323, 324, 458, 341, 307,
506, 148, 149 (379-B, 326, 120-B added later on) of the IPC registered
at Police Station Rupnagar City.

2. Learned counsel for the petitioner submits that a perusal of
the FIR, which has been annexed as Annexure P-1, clearly reveals that
neither was he named therein nor any role attributed to him in the
occurrence in question; the petitioner came to be nominated as an

accused after eight days of the alleged occurrence by way of a supplementary statement under Section 161 of the Cr.P.C. made by the complainant. Learned counsel while drawing the attention of this Court to the supplementary statement, which has been annexed as Annexure P-2, has submitted that even as per the supplementary statement, other than the petitioner being shown to be a part of the unlawful assembly, no role or injury has been attributed to him. Learned counsel has still further submitted that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose as firstly, he has no criminal antecedents, coupled with the fact that investigation is complete and even charges stand framed. It has been further submitted that despite the case having been fixed for prosecution evidence, the prosecution witnesses have not appeared till date and the next date of hearing before the trial Court is 17.09.2024.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner was not named in the FIR in question, which has been annexed as Annexure P-1. However, it has been submitted that in the supplementary statement, it had been stated by the complainant that the petitioner was also present along with co-accused, who allegedly inflicted injuries on the complainant party.

4. On a further query, learned State counsel has also not disputed that the petitioner does not have any criminal antecedents.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 23.05.2024. The only role attributed to the petitioner in the crime in question is of being part of the unlawful assembly, in which the co-accused allegedly inflicted injuries on the person of the complainant party. Investigation in the present case is complete, charges stands framed, however, none of the 23 prosecution witnesses have been examined till date. Hence, the possibility of the trial concluding in the near future seems unlikely.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 2nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No