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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44816-2024 (O&M)
Date of decision: 02.12.2024

Rohan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gagandeep Goel, Advocate (through V.C.)
for the petitioner.

Ms. Avneet, AAG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant second petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.151 dated 18.07.2023, under Sections 452, 323, 324, 326, 307, 379-B, 427 of the IPC, and, Section 27/54/59 of the Arms Act (Sections 450, 336, 201 of the IPC, and, Section 25 of the Arms Act added subsequently), registered at P.S. Navi Baradari, District Police Commissionerate Jalandhar.

2. The petitioner approached this Court seeking the similar relief by filing CRM-M-16096-2024, however, the same was dismissed as withdrawn at that stage vide order dated 22.05.2024.

3. Learned counsel for the petitioner asking for the relief of regular bail submits that after dismissal of first bail application, there is no progress in the trial as no witness has been examined so far, whereas the

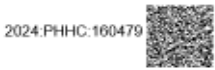


petitioner has suffered incarceration more than one year four months.

3. He further submits that though the specific injury is attributed to the present petitioner, however, considering the fact that the days of incarceration and stage of the trial, he deserves to be released on regular bail. He further submits that the petitioner is involved in one more case and that too jail offence and except that he is not involved in any other criminal case. Finally, he placed reliance upon the order passed by this Court on 13.05.2024, whereby co-accused Govind Rai @ Gopi has been granted the relief of regular bail.

4. The submissions made by learned counsel for the petitioner have been vehemently opposed by learned State counsel while submitting that a specific injury is attributed to the present petitioner that he gave a sharp edged object blow on the back of the head of the complainant. She further submits that not only that he had also snatched gold chain and an amount of Rs. 70,000/- was also snatched away. Entire occurrence was recorded in CCTV cameras, installed at the gate of the house. She finally, after having instructions from the quarter concerned, informs this Court that investigation in this case has already completed and the final report under Section 173 Cr.P.C. was filed way back on 13.10.2023 thereupon the trial Court proceed to frame charges against the present accused, and the other co-accused on 02.02.2024. She further informs this Court that prosecution has cited total 29 witnesses, however, till date no witness has been examined so far. She also placed on record the custody certificate today in Court. The same is taken on record.

5. Be that as it may, considering the fact that the petitioner has



suffered incarceration about 01 year, 04 days and 11 days as on date, and apart from a jail offence, is not involved in any other criminal case and the fact that till date, no prosecution witness has been examined by the prosecution as total 29 witness have been cited in the final report, therefore, this Court can safely conclude that the conclusion of the trial would take long time, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

02.12.2024
Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No