

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M-42756-2023

Date of decision: 12.02.2024

Love alias Billa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bhupinder Gupta, Advocate for
Mr. G.S. Madaan, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.139 dated 22.11.2022 under Sections 307, 326, 323, 34, 120-B of the IPC registered at Police Station Division No.1, Pathankot, District Pathankot.

2. Learned counsel for the petitioner inter alia contends that the petitioner, who has been in custody since 23.11.2022, has been attributed only a blow with an iron grip on the head of the complainant; the said injury was declared to be a blunt simple injury. It has been further submitted that identically placed co-accused Neeraj Bhatti @ Neeraj Kumar, who had been attributed a similar role, had since been extended the concession of bail by this Court vide order dated 25.09.2023 (Annexure A-1). Learned counsel submits that after the challan was presented, charges were framed almost a year back on 19.04.2023, however, it was a matter of record that despite the case

being adjourned repeatedly, the injured complainant had not put in appearance to get his evidence recorded. Learned counsel submits that the petitioner in the circumstances, could not be made to languish in custody to await the appearance of the injured complainant for getting his evidence recorded. Learned counsel has further submitted that the petitioner is not involved in any other criminal case though previously one criminal case was registered against him, however, it was a matter of record that he had since been acquitted in the same.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Kuldeep Raj, has not been able to dispute that the allegations levelled against the petitioner are identical to that of co-accused Neeraj Bhatti @ Neeraj Kumar, who has since been extended the concession of bail by this Court vide order dated 25.09.2023. Learned State counsel, on further instructions, has not been able to dispute the submissions made by the counsel opposite with respect to the nature of injury attributed to the petitioner. He has further submitted that the next date fixed before the Trial Court is 06.03.2024 when the prosecution evidence is likely to commence.

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

5. As per allegations levelled in the FIR and not disputed by the learned State counsel as well, the petitioner has been attributed simple blunt injury on the person of the complainant. There is no likelihood of the trial concluding anytime in the near future as the trial has come to a virtual standstill after 19.04.2023 since none of the

prosecution witnesses have been examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

12.02.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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