

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

218

2024:PHHC:020002

CRM-M-46314-2023

Date of decision: February 13, 2024

Jasvir Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S. Dhaliwal, Advocate
for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.124 dated 28.05.2023 under Sections 307, 379 and 34 of the Indian Penal Code, 1860, registered at Police Station Sadar Mansa.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been in custody since 28.07.2023 in a case of false implication. While drawing the attention of this Court to the FIR, which has been reproduced in the body of the petitioner, learned counsel has asserted that a perusal of the same clearly reveals that other than his presence being shown at the time of alleged occurrence, he has not been attributed any injury much less inviting the mischief of Section 307 of the IPC. Learned counsel has further submitted that since the investigation in the case in hand is complete and charges stand framed, his further incarceration would serve no useful purpose as none of the 17 prosecution witnesses have been examined till date.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from

ASI Gurdarshan Singh, has not been able to dispute that the petitioner has not been attributed any injury on the person of the injured, however, he submits that the petitioner was present along with the co-accused and had caught hold of the injured from her hair. Learned State counsel on further instructions has also not disputed the status of the trial. He submits that the next date fixed before the trial Court is 12.03.2024 when the prosecution evidence is likely to commence.

4. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he on instructions, has replied in the negative.

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

6. The petitioner has been in custody for almost nine months having been arrested on 28.07.2023; in the occurrence in question, he has not been attributed any injury and the role attributed to him is of having caught hold of the injured from her hair. The petitioner is not stated to be involved in any other criminal case. The trial would take considerable time to conclude.

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.

February 13th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No