

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-49587-2023

Date of decision: 25.01.2024

Ankit Jamba

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.32 dated 24.04.2021 under Sections 307, 341, 323, 324, 148, 149, 506 of the IPC registered at Police Station Division No.4, District Jalandhar.

2. Learned counsel for the petitioner inter alia contends that it is case of version and cross-version wherein admittedly both the parties received injuries at the hands of each other. It has been further submitted that false allegations have been levelled against the petitioner of having inflicted injury with a datar on the head of injured Daljit Singh and Ajay Kumar. It has still further been submitted that after the petitioner was arrested on 07.01.2022, both the material witnesses i.e. injured Daljit Singh and Ajay Kumar stand examined. In support, he has drawn the attention of this Court to Annexures P-11 and P-12. Learned counsel, therefore, prays that in the aforementioned facts and circumstances, since the material witnesses also stand examined, his

further incarceration would serve no useful purpose as 18 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Prem Singh, has not been able to controvert that in the occurrence in question both the sides had received injuries at the hands of each other. It has also not been disputed that all the material witnesses including the injured witnesses stand examined before the Trial Court. However, learned State counsel submits that the petitioner is involved in seven other criminal cases including cases under the Excise Act. However, learned State counsel, on instructions, has not been able to dispute that 18 prosecution witnesses still remain to be examined and the next date fixed before the Trial Court is 14.02.2024 when some more witnesses are likely to be examined.

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

5. The petitioner has been in custody for than two years having been arrested on 07.01.2022. In the facts and circumstances as enumerated hereinabove, there is no likelihood of the trial concluding in the near future. All the material witnesses stand examined, hence, further incarceration would serve no useful purpose. 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

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is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

25.01.2024 (MANJARI NEHRU KAUL)
Vinay JUDGE

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