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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47821-2024
Date of decision: 25.11.2024

RAVI KUMAR @ KHARCHA

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

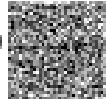
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. B. S. Bali, Addl. A.G., Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a fourth petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.62 dated 24.05.2022, under Sections 307, 326, 324, 323, 148 and 149 of the IPC, registered at Police Station Daba, District Ludhiana, Punjab.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for 2 years, 3 months and 16 days and it is a case where although the petitioner has been named in the FIR but the role attributable to him was with regard to attacking the complainant with *datar*. He further submitted that the motive was attributable to the other co-accused and some of the other co-accused have already been extended the benefit of regular bail. He further submitted that even otherwise also it is a case where the trial of the case is not

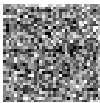


progressing and charges were framed by the learned trial Court on 22.02.2023, which is more than 1 year and 9 months ago and not even a single prosecution witness has been examined. He further submitted that although the injured had received number of injuries but he is otherwise hale and hearty and therefore, the petitioner may be considered for the grant of regular bail on the aforesaid two grounds of custody and non-progress of the trial.

3. On the other hand, Mr. B. S. Bali, Addl. A.G., Punjab submitted that it is correct that the petitioner is in custody for 2 years, 3 months and 16 days but he is involved in one more case under Section 307, 324, 323, 506, 148 and 149 of the IPC. He further submitted that considering the criminal antecedents of the petitioner, he is not entitled for the grant of regular bail. With regard to the stage of the trial, he submitted on instructions that after the framing of the charges by the learned trial Court on 22.02.2023, not even a single prosecution witness has been examined.

4. I have heard the learned counsels for the parties.

5. The petitioner is in custody for 2 years, 3 months and 16 days and he is stated to be involved in one more case as aforesaid. The argument which has been raised by the learned State counsel that the petitioner being involved in one more case is not entitled for the grant of regular bail is not sustainable in view of the aforesaid custody of the petitioner and the stage of the trial. As per the learned counsels for the parties, after the framing of the charges by the learned trial Court on 22.02.2023, not even a single prosecution witness has been examined although more than 1 year and 9 months have elapsed.



6. In view of the aforesaid facts and circumstances of the present case, this Court is of the view that considering the long custody of the petitioner as aforesaid and the stage of the trial, the petitioner deserves the concession of regular bail.
7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

25.11.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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