



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-50217-2024 (O&M)

Date of decision: 13.11.2024

Sanjiv

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)**CRM-40374-2024**

Allowed as prayed for.

CRM-M-50217-2024

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.59 dated 28.03.2024 under Sections 323, 324, 458, 341, 307, 506, 148, 149 (379-B, 326, 120-B of the IPC added later on) of the IPC registered at Police Station Rupnagar City, District Rupnagar.

2. Learned counsel for the petitioner submits that the petitioner has not been attributed injury inviting the mischief of Section 307 of the IPC/109 of the Bhartiya Nayaya Sanhita, 2023, which have been instead attributed to co-accused Chandan and Rahul Bhatti. Learned counsel further submits that no doubt the petitioner was named in the FIR in question, however, no specific injury has been attributed to the petitioner. It has been further contended by the learned counsel



CRM-M-50217-2024 (O&M)

that even though the challan was presented on 15.06.2024 and charges thereafter framed on 07.08.2024, however, the case had been adjourned on as many as 07 dates on account of the prosecution witnesses, including the injured complainant failing to turn up before the trial Court to testify in the case at hand. Learned counsel has still further submitted that in fact on account of the repeated non-appearances of the witnesses, proclamation under Section 82 of the Cr.P.C. had been issued against injured Amit Sharma and Rohit Sharma with directions to appear in the Court on 28.11.2024. Learned counsel, therefore, prays that in the aforementioned facts and circumstances, the trial has been unnecessarily prolonged on account of the non-appearances of the prosecution witnesses, and furthermore in view of the seat of the injury i.e. on the non vital part of the injured complainant, the petitioner deserves to be extended the concession of bail. In support, learned counsel has placed on record zimni orders dated 16.10.2024 and 30.10.2024 passed by the trial Court wherein the factum of the repeated non-appearances of the prosecution witnesses stands duly reflected. It has also been contended that identically placed co-accused Jatin Kumar @ Ghala has also been enlarged on bail by this Court on 12.11.2024.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner and also the stage of trial; it has also not been disputed, on instructions, that both the material witnesses i.e. injured Amit Sharma and Rohit Sharma have absented themselves before the trial Court on as many as 07 dates.



CRM-M-50217-2024 (O&M)

Learned counsel, on instructions, has also not disputed that the petitioner has not been attributed any specific injury on the injured. On a pointed query, learned counsel for the State submits that the petitioner does not have any criminal antecedents.

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

5. It is a matter of record that both the material witnesses including the injured witnesses have been continuously absenting themselves before the trial Court and proclamation under Section 82 of the Cr.P.C. have also been issued against both of them. The petitioner has not been attributed any specific injury much less inviting the mischief of Section 307 of the IPC/109 of the BNS. The trial is unlikely to conclude in the near future. 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.

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.

13.11.2024

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No