

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-54686-2023 (O&M)  
Date of Decision: January 10, 2024

BASHIR MOHAMMAD ALIAS LALLU .....Petitioner  
Versus  
STATE OF PUNJAB .....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Davinder Bir Singh, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

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HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.123 dated 14.11.2020 registered under sections 302, 341, 34 & 120-B IPC and Sections 25 and 27 of Arms Act 1959 at Police Station Sandaur, District Sangrur, Sections 483, 379, 411, 148 &149 of IPC and Section 207 of Motor Vehicles Act were added later on, wherein, petitioner was implicated on the basis of disclosure statement made by co-accused Dharmender alias Ghoda for having supplied 12-bore country-made pistol i.e. weapon of offence to the assailants.
2. Reply by way of an affidavit of Mr. Kuldeep Singh, PPS, Deputy Superintendent of Police, Sub Division Malerkotla, District Malerkotla on behalf of respondent has been filed in the Court, the same is taken on record. The prayer made herein has been vehemently opposed at the instance of learned State counsel while submitting that but for the help of the present petitioner, the offence could not have been committed by the other accused.

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3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.
4. In the present case, investigation already stands concluded with the filing of challan followed by framing of charges, whereas only two prosecution witnesses have been examined so far, that too partially; out of total 25 witnesses. The petitioner has suffered incarceration for a period of almost three years and one month by now, there is no other case of similar nature pending against the petitioner. Moreover, even as per the disclosure statement made by co-accused, he never participated actively in the incident and the trial is likely to take some time. Considering the aforesaid circumstances, this Court does not find justification to extend his incarceration any further.
5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.
6. Pending application(s), if any, shall also stand disposed of.

10.01.2024  
Tejwinder

(HARKESH MANUJA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |

