

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-57224-2023

Date of decision: 25.04.2024

Harjinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amritpal Singh Maan, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.038 dated 21.06.2023 under Sections 379-B(2), 323, 506, 148, 149 of the IPC (Sections 201, 411 of the IPC added lateron) registered at Police Station Lakhewali, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner inter alia submits that as per the allegations levelled in the FIR which has been annexed as Annexure P-1, some unidentified persons with muffled faces came on motorcycles and waylaid the complainant; thereafter the alleged assailants assaulted the complainant party and after snatching their mobile handsets and money, fled away from the spot. During the scuffle which ensued between the complainant party and the alleged assailants, the mask of one of the assailants fell down and it was then that the son of the complainant identified him as co-accused Husanpreet Singh @

Sunny and Sajan Singh. Learned counsel has submitted that as per the complainant, he made his own enquiries and then learnt about the involvement of the petitioner along with co-accused Husanpreet Singh @ Sunny and Sajan Singh and some other persons. It has been argued by the learned counsel that it is on the face of it a case of false implication which needs to be appreciated from the fact that the petitioner has no criminal antecedents. It has been further submitted by the learned counsel that the investigation in the case at hand is complete as challan stands presented and hence further incarceration of the petitioner who has been in custody since 23.08.2023 would not serve any purpose as the charges are likely to be framed only on the next date of hearing i.e. 09.05.2024.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Dharam Pal, has not been able to dispute that the complainant had indeed alleged in the FIR in question that after the occurrence in question, he made enquiries at his own level and that is when he learnt that the petitioner is also one of the assailants who had accompanied the co-accused and assaulted the complainant on the fateful day. Learned State counsel on further instructions has not disputed that the challan stands presented; it has also not been disputed on instructions that the petitioner is not involved in any other criminal case.

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

5. The petitioner has been in custody since 23.08.2023. There is no likelihood of the trial concluding in the near future as charges are

yet to be framed coupled with the fact that as many as 22 prosecution witnesses have been cited. As not disputed, the petitioner is not involved in any other criminal case much less a case of similar nature. 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.

25.04.2024 (MANJARI NEHRU KAUL)
Vinay JUDGE

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