

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-57972-2023

Date of decision: 08.01.2024

Bikash Pariyar @ Vikas Pariyar @ Joshan PariyarPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Jaiteshwar Singh, AAG, 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.158 dated 10.09.2023 under Sections 307/429 of the IPC, Sections 3 and 8 of the Punjab Prohibition of Cows Slaughter Act, 1955 (Section 120-B of the IPC added lateron) registered at Police Station Khanna City-2, District Khanna Ludhiana.

2. Learned counsel for the petitioner inter alia contends that the petitioner was only employed as a helper in the truck which allegedly tried to run over the complainant. He submits that after the challan was presented on 08.11.2023, charges had not yet been framed and hence there was no likelihood of the trial concluding in the near future moreso, since as many as 15 prosecution witnesses had been cited. It has been further submitted that the petitioner has clean antecedents and is not involved in any other criminal case much less a case of similar nature.

3. Per contra, learned State counsel while opposing the prayer

made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner was merely seated next to the driver, who allegedly tried to run over his vehicle over the complainant party. Learned State counsel, on further instructions, has also not disputed that the petitioner does not have any criminal antecedents. Learned State counsel, however, submits that charges have not yet been framed and are likely to be framed on the next date i.e. 11.01.2024.

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

5. The petitioner, as not disputed by learned State counsel on instructions, does not have any criminal antecedents. In the facts and circumstances as enumerated hereinabove, there is no likelihood of the trial concluding in the near future as 15 prosecution witnesses have been cited. This Court, therefore, deems it appropriate 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.

08.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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