

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59584 of 2023(O&M)
Date of Decision: 11.03.2024

Sarabmanohar Singh
...Petitioner
Versus
State of Punjab
...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Prateek Pandit, Advocate
For the petitioner.

Mr. Inderjeet Singh Ladher, DAG Punjab

KARAMJIT SINGH, J.

1. Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.215 dated 16.8.2023 registered for the offences punishable under Sections 336, 160 IPC and Sections 25, 27 of Arms Act (Sections 307, 148, 149 IPC added later on) at Police Station Jandiala, District Amritsar Rural.
2. The allegations in nutshell are that members of two groups started fighting with each other and at that time, they were armed with different weapons and they resorted to brick batting and also fired shots in air. During investigation of the case, the petitioner who was not named in the FIR, was arrested by the police on 12.09.2023.
3. Counsel for the petitioner submits that the petitioner was falsely named in the present case and no weapon was recovered from his possession and there are no specific allegations against the petitioner who is in custody since 12.09.2023 and is having no criminal history. Counsel for the

petitioner further submits that even otherwise, no one sustained injuries at the time of the alleged occurrence and challan stands presented against the petitioner. So, prayer is made that the petitioner be released on bail.

4. Present petition is resisted by the State counsel who submits that the petitioner was involved in group fighting and later on, named as accused and was arrested on 12.09.2023. However, the State counsel has not disputed the fact that it is a no injury case and that during investigation, no weapon was recovered at the instance of the petitioner and that after completion of investigation, the police has presented the challan against the petitioner, who is having no criminal history.

5. I have considered the submissions made by the counsel for the parties. 6. In view of the fact that it is a no injury case and further, no recovery of weapon was effected from the petitioner who was arrested on 12.09.2023 and is presently lodged in judicial custody and after completion of investigation, the police has presented the challan against the petitioner, who is having no criminal antecedents and it will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/ Chief Judicial Magistrate/ Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

11.03.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No