

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

338

CRM-M-62567-2023 (O&M)

Date of decision: 07.02.2024

Vijay Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Achin Gupta, Advocate with
Mr. Karan Bansal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., 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.61 dated 18.04.2023 under Sections 324/379-B of the IPC (Section 201 of the IPC added lateron) (charges framed under Sections 379-B/324/411/201/34 of the IPC) registered at Police Station City Kotkapura, District Faridkot.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the instant case and even a perusal of the allegations levelled in the FIR which has been annexed as Annexure P-1, reveals that no injury has been attributed to the petitioner. Learned counsel has still further submitted that the petitioner has clean antecedents as he is not involved in any other criminal case coupled with the fact that both the material witnesses i.e. the complainant as well as his son, who were present at the relevant time on the fateful day, already stand examined, hence, further incarceration of the petitioner in the aforementioned facts and circumstances, would

serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to controvert the factual aspect of the role attributed to the petitioner and also the status of the trial, as also the factum of both the material witnesses having examined. Learned State counsel has also, on instructions, not disputed 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 31.08.2023. Both the material witnesses stand examined, however, 13 prosecution witnesses still remain to be examined. Hence, the trial would take considerable time to conclude. Thus, 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.

07.02.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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