

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-62806-2023

Date of decision: 15.04.2024

Akash @ Keshav

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.232 dated 23.11.2022 under Sections 307, 452, 379, 148, 149, 506 of the IPC and Sections 25 and 27 of the Arms Act, 1959 (Sections 379 of the IPC and 27 of the Arms Act deleted and Section 397 of the IPC added lateron) registered at Police Station Mahilpur, District Hoshiarpur.

2. Learned counsel for the petitioner inter alia contends that after the withdrawal of the previous petition on 06.07.2023, the trial had not progressed beyond the stage of presentation of challan and, hence, there was no likelihood of the trial concluding in the near future as none of the 25 witnesses cited by the prosecution had been examined so far. Learned counsel has submitted that identically placed co-accused Bhavnesh and Jaspreet Singh @ Giani @ Jassa have been extended the concession of bail by this Court vide order dated 04.12.2023 and order of even date. It has further been submitted that

even otherwise the petitioner was nominated as an accused when he was arrested in one case under the NDPS Act and wherein he allegedly confessed to his involvement in the crime in question which took place on 23.11.2022 inside the shop of the complainant/injured. Learned counsel has submitted that the alleged confession made by the petitioner has no evidentiary value and is clearly hit by the Evidence Act.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Jasvir Singh, has not been able to dispute the stage of trial. It has also not been disputed that identically placed co-accused Bhavnesh and Jaspreet Singh @ Giani @ Jassa had since been extended the concession of bail on account of their prolonged incarceration. Learned State counsel has, however, submitted that the case of the petitioner is distinguishable from that of the co-accused inasmuch as the petitioner had confessed to his involvement in the crime in question when he was arrested in a case under the NDPS Act. Learned State counsel on further instructions has submitted that the motorcycle on which the accused came to the spot on the fateful day, belongs to the petitioner and he was riding the motorcycle at the relevant time. Learned State counsel on further instructions has submitted that the charges have not been framed as one of the accused is still absconding. It has further been submitted that the next date fixed before the learned Trial Court is 07.05.2024 when charges are likely to be framed.

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

5. The petitioner has been in custody since 27.11.2022; after the challan was presented, there has been no progress in the trial and rather it has come to a virtual standstill on account of the case being adjourned repeatedly for framing of charges. 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.

15.04.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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