

239

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-62516-2023
Date of decision:-26.04.2024

BALWINDER SINGH @ SONU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Liaqat Ali, Advocate
for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
165	21.06.2023	302, 216, 148, 149, 120-B IPC	Phillaur, District Jalandhar

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no role has been attributed to the petitioner in the FIR and is alleged to have been nominated on the basis of supplementary statement given by the complainant after 2 months of the alleged occurrence. He submits that there is no plausible explanation as to how the complainant came to know about the name and alleged role of the petitioner after a lapse

of 2 months nor this aspect has been investigated properly. He submits that it is evident from the photographs annexed with the petition (Annexure P-3) that the petitioner had infact met the police officials on the date of his arrest in a friendly atmosphere and was called to the police station for some inquiry but was arrested in this case. He submits that petitioner is in custody since 19.08.2023 and the challan has already been presented in Court and disposal of trial will take sufficient long time, hence he prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel referring to the reply dated 03.04.2024 submits that the petitioner is involved in the crime and as such he is not entitled to concession of bail. He however, admitted that the name of the petitioner was not mentioned in the FIR but only surfaced in the supplementary statement given by the complainant after two months of the occurrence. He on instruction from ASI, Chan Lal, Investigation Officer present in Court has shown inability to explain from where the complainant came to know about alleged involvement of the petitioner in the case. He further admitted that the petitioner is not having any criminal antecedents.

4. After considering the rival contentions and perusing the record, it transpires that the aforesaid FIR was registered against 6 persons by name along with some unknown persons on the allegation of having committed murder of Gagandeep, specific role and injuries have been attributed to the persons named. The name of the petitioner nowhere figures therein. As per the reply submitted by the State, the name of the petitioner figures only on 19.08.2023 in the alleged supplementary statement made by the complainant

wherein the role attributed to him that after the occurrence while Jatinder Singh was running, the present petitioner gave him lift on his motorcycle. It is debatable, if the offences under Section 216 IPC is made out against the petitioner or not. The challan has already been presented in Court after the arrest of the petitioner on 19.08.2023 and even the charge has not yet been framed, so it will take sufficient long time for prosecution to conclude the trial to ascertain criminal liability, if any of the petitioner. The petitioner being in custody since 19.08.2023 cannot be allowed to languish in jail till then.

5. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

26.04.2024

Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No