

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

216

2024:PHHC:049845

CRM-M-62765-2023

Date of decision: April 15th, 2024

Jaspreet Singh @ Giani @ Jassa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Godara, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.232 dated 23.11.2022 under Sections 307, 452, 379, 148, 149 and 506 of the IPC (Section 397 of the IPC added subsequently) and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Mahilpur, District Hoshiarpur.

2. On a pointed query put to the learned counsel for the petitioner as to what was the material change in circumstances after the withdrawal of the previous petition on 06.07.2023, which would warrant acceptance of his prayer for being enlarged on bail, it has been submitted that identically placed co-accused had been extended the concession of bail by this Court vide order dated 04.12.2023 and furthermore, though challan was presented way back on 06.04.2023, however, the charges had not been framed till date. Learned counsel has also drawn the attention of this Court to the allegations levelled in the FIR, which has been reproduced in the body of the petition. While drawing the attention of this

Court to the allegations levelled, he has submitted that the alleged occurrence took place on 22.11.2022. One of the accused Aakash @ Keshav, on being arrested, suffered a disclosure statement, wherein he nominated the petitioner as being one of the persons, who was accompanying him at the time of alleged occurrence. It has been asserted that the petitioner has been falsely implicated in the present case and the disclosure statement on the basis of which he has been implicated has very weak evidentiary value. Learned counsel has still further submitted that all the injuries allegedly received by the complainant as well as the other two persons, who were allegedly present in the shop, were opined to be simple in nature. Learned counsel has thus prayed that petitioner be enlarged on bail as the likelihood of the trial concluding in the near future is improbable.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by counsel opposite, on instructions from ASI Jasvir Singh, has not disputed that the name of the petitioner surfaced in a disclosure statement made by co-accused Aakash @ Keshav, who stated that the petitioner was also accompanying him when he entered the shop of the complainant and inflicted injuries upon him. Learned State counsel, on further instructions has not controverted the stage of trial, however, he submits that charges have not yet been framed on account of one of the accused still absconding. Learned State counsel submits that the petitioner cannot claim parity with the co-accused, who has since been extended the concession of bail as he is involved in one more criminal case under Sections 457 and 380 of the IPC, however, concededly he is on bail.

4. I have heard learned counsel for the parties and perused the relevant material on record.
5. The petitioner has been in custody since 07.12.2023; after the challan was presented, there has been no progress in the trial and rather, it has come to a standstill on account of the case being adjourned repeatedly for framing of charges.
6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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 say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

April 15th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No