

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-62678-2023
Date of decision: 28.02.2024

KARNAIL SINGH @ DR. KARNAIL SINGH
....PETITIONER(S)

Versus

STATE OF PUNJAB
....RESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. R.S. Sidhu, Advocate for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J.(ORAL)

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

FIR No.	Dated	Sections	Police Station
134	26.07.2023	307, 336, 323, 148 and 149 of IPC and Sections 25 and 27 of Arms Act.	Sadar Patti, District Tarn Taran.

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He submits that no specific overt act or injury has been attributed to the petitioner and as per the case of prosecution, only *lalkara* is attributed. The petitioner is in custody since 27.09.2023 and challan has already been presented in Court. He submits that the co-accused Manpreet Singh alias Mannu has already been granted concession of bail vide order dated 20.09.2023 passed in CRM-M-46244-2023 titled '*Manpreet Singh @ Mannu Versus State of Punjab.*' Hence prayer for grant of regular bail.

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3. *Per contra*, as per learned State counsel, the petitioner is attributed *lalkara* leading to the occurrence as such deserves no concession of bail. He, however, admitted that the challan already been presented in Court and out of 10 prosecution witnesses cited, none has been examined till date.
4. Considering the respective submissions and perusing the record, it is not disputed that co-accused Manpreet Singh alias Mannu has since been granted concession of bail in the case. Admittedly, the petitioner is attributed *lalkara* and no specific overt act or injury has been attributed to him. He is in custody since 27.09.2023. Challan has already been presented in Court and out of 10 witnesses cited by the prosecution, none has been examined. The conclusion of trial, to ascertain criminal liability if any of the petitioner, will take sufficient time and no purpose will be served by detaining the petitioner in custody.
5. Consequently, without commenting on the merits of the case, 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/Duty Magistrate 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.

28.02.2024
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(SANJIV BERRY)
JUDGE