



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

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CRM-M-59186-2024

Date of decision: 02.12.2024

VASIM ALIAS WASEEM

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Suram Singh Rana, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, 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.138 dated 06.09.2019 under Sections 302, 324, 323, 148, 149 IPC registered at Police Station Kartarpur, District Jalandhar.

2. Learned counsel for the petitioner, *inter alia*, contends that the occurrence in question allegedly took place on 6th September, 2019 wherein mother of the complainant-Reshma lost her life while his other family members suffered injuries at the hands of some unknown assailants. It has been submitted by the learned counsel that no suspicion was raised qua the involvement of any person much less the petitioner in the occurrence in question. It has been further submitted that it was only on 16th December, 2020, the petitioner while being interrogated in another criminal case registered against him at SAS Nagar, Mohali, revealed about his involvement in the occurrence in question which took place on 06.09.2019. Learned counsel has submitted that subsequently, the petitioner was then arrested in the present case on 16.12.2020. Learned



counsel has contended that although it is a case based on eye witness account, however, there is no motive forthcoming as to why the petitioner and the co-accused would have, for no rhyme or reason assaulted the complainant party. It has been argued that in the aforementioned facts and circumstances, the petitioner deserves to be extended the concession of bail more so, when all the material witnesses have been examined before the trial Court. It has been argued by the learned counsel that since only formal witnesses now remain to be examined, there can be no possibility of the petitioner tampering with evidence or trying to intimidate or influence the witnesses cited by the prosecution.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has he, on instructions from ASI Manjeet Singh, disputed the stage of trial. Learned State counsel has also not disputed that it was during the interrogation of the petitioner in another criminal case registered at SAS Nagar Mohali that his involvement in the present case came to light. It has been further argued by the learned State counsel, on instructions, that the question of the petitioner's false implication in the present case is clearly ruled out in view of the fact that all the material witnesses including the complainant while stepping into the witness box had identified the petitioner as being one of the persons who had assaulted the complainant party on the fateful day when one person lost her life on account of the injuries sustained whereas another person who suffered a heart attack soon after the alleged occurrence.

Learned State counsel has submitted that in the facts and circumstances as

enumerated hereinabove, since the petitioner stood identified as being the alleged assailant, the present petition be dismissed as there was every likelihood that the petitioner could evade proceedings and abscond during the pendency of the trial.

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

5. As apprised by the learned State counsel, the petitioner was duly identified before the trial Court as being one of the assailants who inflicted injuries on the person of the complainant party including the deceased. All the material witnesses stand examined and they have supported the case of the prosecution in its entirety.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is hereby dismissed. 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.

8. However, the learned trial Court is directed to make earnest efforts to expedite the trial and conclude it at the earliest in view of the long incarceration of the petitioner who has now been in custody for almost four years.

(MANJARI NEHRU KAUL)

JUDGE

December 02, 2024

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