

CRM No. M-64290-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-64290-2023

Date of Decision : 07.05.2024

Harjinder Singh alias Babu

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Tajinder Pal Singh Makkar, Advocate for the petitioner.

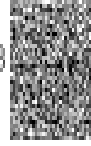
Mr. Rohit Ahuja, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

Custody certificate of the petitioner has been produced in Court today by the learned State counsel. The same is taken on record.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 122 dated 13.05.2020, registered under Sections 302, 427, 148, 149, 120-B IPC (Section 201 IPC added later on) and Section 25 of the Arms Act at Police Station Lehra, District Sangrur.

2. Learned counsel for the petitioner argues that petitioner was not named in the FIR but has been named in the supplementary statement and the only allegation alleged against the petitioner is that the petitioner was carrying a 'Dang' and no specific injury has been attributed to him, hence, as the similarly situated co-accused have already been granted benefit of regular bail, the petitioner be also extended the said benefit as the trial is likely to take some time before it concludes.



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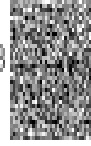
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3. Learned counsel for the respondents submits that though, it is correct that the petitioner was not named in the FIR and he was only named in the supplementary statement and only allegation is that the petitioner was carrying 'Dang' without there being any specific injury attributed to him but the petitioner has only undergone one year and two months of custody. Learned State counsel concedes that out of total 30 witnesses, only two witnesses have been examined so far.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It may be noticed that no injury has been attributed to the petitioner, which has been proved to be fatal rather the petitioner was not named in the FIR and has only been roped in on the basis of supplementary statement. Further, only a 'Dang' has been attributed to the petitioner as a weapon without there being any specific injury attributed to him. Even otherwise, similarly situated co-accused have already been extended the concession of regular bail by the Co-ordinate Bench of this Court, copies of which have been appended as Annexures P-4 to P-14 along with the present petition. The said factual averments have gone un-rebutted.

6. Keeping in view the facts mentioned here-in-before coupled with the fact that as of now, out of total 30 witnesses only two witnesses have been examined and the trial is likely to take some time before the same concludes, no useful purpose will be served keeping the petitioner behind the bars, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for

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passing appropriate orders.

7. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned, in case he is not needed to be kept behind bars in any other case.

8. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 07, 2024*kanchan***(HARSIMRAN SINGH SETHI)****JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*