



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

CRM-M No.63940 of 2023
Date of decision: 13th May, 2024

Vishu Kainth @ Nishu Kainth

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ram Kumar Chauhan & Mr. Ankush Chauhan,
Advocates for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.1 dated 04.01.2022 under Sections 307, 506, 120-B, 34 of the IPC and sections 25/27/54/59 of the Arms Act, 1959 registered at Police Station Basti Jodhewal, District Ludihana.

2. Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the instant case and rather it is a case of no injury; the petitioner has now been in custody since 05.09.2022. He submits that during trial, the complainant and the injured witness had not supported the case of the prosecution and had deposed that both the above said material witnesses had not attributed any injury to the petitioner but had just stated that the petitioner was standing outside



when the occurrence in question took place; since 15 prosecution witnesses still remain to be examined, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Kuldeep Singh, has not disputed the stage of the trial. He, on further instructions, has also not disputed that both the material witnesses including the complainant and the eye-witness had deposed that the petitioner was standing outside when the occurrence in question took place, and he had not been attributed any specific role much less any injury on the person of the complainant or any other person in the occurrence in question. Learned State counsel has also informed the Court that the next date of hearing fixed before the trial Court is 03.06.2024.

4. I have heard learned counsel for the parties and perused the relevant material on record, including the allegations levelled in the FIR in question.

5. The petitioner has not been attributed any injury in the occurrence in question; he was stated to be standing outside the place of occurrence. The trial is unlikely to conclude in the near future as only 4 prosecution witnesses have been examined so far out of the 19 cited. In the facts and circumstances, as enumerated hereinabove, this



Court thus deems it fit to extend the concession of bail to the petitioner.

The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

May 13, 2024
rps

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