

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

245

**2024:PHHC:015531
CRM-M-65297-2023
Date of decision: February 05, 2024**

ROHIT ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Shabnam Mahajan, Advocate
for Mr. Shrey Goel, Advocate
for the petitioner.

Mr. Arun Luthra, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.3 dated 19.01.2023 (Annexure P-1) under Sections 365, 341, 323, 324, 326, 427, 506, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Daba, District Ludhiana.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 27.10.2023 for having inflicted injuries on the person of the complainant with an iron *daat*, however, as per the Medico Legal Report of complainant, he had sustained only simply injuries on his back. It has been further submitted that the case of the petitioner is at par with that of co-accused Amandeep Singh, who had since been extended the concession of bail by this Court vide order dated 14.09.2023 (Annexure P-7).

3. Learned counsel for the petitioner has further submitted that since as many as 24 witnesses have been cited by the prosecution and charges have just been framed on 05.01.2024, there is no likelihood of the trial concluding in the near future. On a pointed query put to the learned counsel for the petitioner as to whether the petitioner has any criminal antecedents, she has replied in the negative.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record subject to just exceptions. A copy thereof has been supplied to the learned counsel for the petitioner. While opposing the prayer and submissions made by the learned counsel for the petitioner, learned State counsel, on instructions, has submitted that though the petitioner has just been attributed simple injuries on the person of the complainant, however, he was part of the unlawful assembly, which attacked the complainant. Learned State counsel, on further instructions, has however not been able to dispute that the petitioner has clean antecedents and is not involved in any other criminal case.

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

6. As not disputed by the learned State counsel, the petitioner has been attributed only simple injuries on the person of the complainant and is not involved in any other criminal case. The trial is unlikely to conclude in the near future as the recording of prosecution evidence is to commence only on 20.02.2024.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude. The petition as such is allowed;

the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

8. 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.

February 05, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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