



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

213

CRM-M-3023-2025

Date of decision: January 24th, 2025

Nirmal Singh @ Manga

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhaysher Singh, Advocate
for the petitioner.

Mr. Baljinder Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail in FIR No.206 dated 23.12.2023 registered under Sections 304, 34, 420, 365, 344 of the Indian Penal Code, 1860, at Police Station Jaitu, District Faridkot.

2. Learned counsel for the petitioner has submitted that a perusal of the FIR (Annexure P-1) reveals that totally baseless and vague allegations have been levelled against the petitioner that he along with the co-accused had assaulted the deceased, who was admitted in a De-addiction Center, which was allegedly being run by him and the other co-accused. It has been submitted that there was no material on record much less in the shape of any documentary evidence/CCTV footage to substantiate the allegations levelled against the petitioner of assaulting the deceased, as and when he demanded intoxicant from them.

Learned counsel has submitted that the petitioner has now been in custody since 24.12.2023 and two out of the 34 witnesses cited by the prosecution

have already been examined while two have been given up. Hence, the possibility of the trial concluding in the near future seems remote more so when the complainant has been continuously absenting himself before the trial Court despite the issuance ofailable warrants to secure his presence. It has been also submitted that some of the identically placed co-accused have already been enlarged on bail by this Court vide orders dated 07.01.2025 and 18.01.2025.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner nor has he disputed the stage of trial. It has also not been disputed, on instructions, that the complainant has been continuously absenting himself before the trial Court to get his evidence recorded. However, the allegations levelled in the FIR, which is annexed as Annexure P-1, have been reiterated by the learned State counsel.

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

5. The petitioner has been in custody since 24.12.2023. The complainant, as not disputed, has been absenting himself leading to the delay in the conclusion of the trial. Therefore, the possibility of the trial concluding in the near future does not arise.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

January 24th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No