



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

214

CRM-M-20326-2025

Date of decision: April 25th, 2025

Joswha @ Joseph @ Bagga

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Kamlesh, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Mr. Jasraj Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.52 dated 12.03.2024 under Sections 323, 325, 307, 458, 195-A, 436, 511, 379-B, 427, 148, 149, 201 of the IPC and Sections 27 and 30 of the Arms Act, registered at Police Station Tanda, District Hoshiarpur.

2. Learned counsel for the petitioner contends that the petitioner has been in custody since 03.12.2024 in a case of false implication. The petitioner was not even named in the FIR in question nor was any suspicion raised qua his involvement in the alleged crime. However, the petitioner was nominated as an accused subsequently in a supplementary statement made by the complainant that too four days after the registration of the FIR, wherein it was alleged that the petitioner was armed with a baseball bat with which he inflicted an injury on the son of the complainant. Learned counsel has further

submitted that although subsequently in a disclosure statement allegedly suffered by co-accused Mandeep Singh, who had been specifically named in the FIR in question and also attributed much more serious role, the petitioner was further nominated as an accused in the present case, said Mandeep Singh has already been extended the concession of bail by the trial Court vide order dated 15.07.2024. Learned counsel has submitted that since investigation in the present case is complete and challan also stands presented, further incarceration of the petitioner would serve no useful purpose as charges are yet to be framed, coupled with the fact that as many as 22 prosecution witnesses have been cited, which leaves no manner of doubt that the trial would take considerable time to conclude.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel opposite. It has not been disputed that the petitioner was not named in the FIR in question nor was any whisper raised qua his involvement in the crime in question. However, it has been asserted by the learned counsel that subsequently, not only in the supplementary statement recorded by the complainant but even in the disclosure statement of co-accused Mandeep Singh, the petitioner's role came to light and it was categorically stated that the petitioner had inflicted an injury on the person of the son of the complainant with a baseball bat.

4. On a pointed query put to the learned State counsel, he on instructions from ASI Lok Ram, has not disputed that one of the prime accused Mandeep Singh, who had been named and had inflicted a number of injuries on the complainant party, had already been extended

the concession of bail; in addition, some other accused had also been enlarged on bail. Learned State counsel, on further instructions, has not disputed the custody period of the petitioner, who has been in custody since 03.12.2024 nor has he, on instructions, disputed the stage of trial.

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

6. In the facts and circumstances as enumerated hereinabove, the possibility of the trial concluding in the near future does not arise. The petitioner's name surfaced only after four days of the occurrence in question and concededly, he was neither named in the FIR in question nor any whisper qua his involvement was alleged by the complainant while lodging the FIR. Accordingly, the instant petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

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

April 25th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No