

243

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
CRM-M-28745-2024
Date of decision:-21.05.2025

HARPREET KUMAR ALIAS HAPPY
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. L.S. Lakhanpal, Advocate, for the petitioner.
 Mr. K.D.Sachdeva, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioners under 439 of the Code of Criminal Procedure, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
0166	06.05.2020	323, 341, 326, 307, 148, 149, 120-B, 188 IPC (302 added later on)	City Phagwara, District Kapurthala

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case without any specific over act attributed to him nor any injury is attributed to him. He contends that even as per the FIR, although the petitioner was shown to be armed with Khanda but the police allegedly effected the

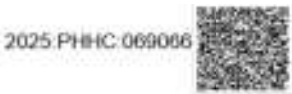


recovery of one Kirpan from him. After completion of investigation, challan has already been presented in Court, as such petitioner is not required for further investigation. Hence prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition on the ground that considering the gravity and nature of the case, petitioner is not entitled for concession of bail. Hence prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution it is alleged that the petitioner alongwith co-accused had attacked the deceased with their respective weapons. Although, the co-accused have been attributed specific injuries to have been caused to the complainant with their respective weapons but qua the petitioner, he is only alleged to be armed with Khanda, and no injury is attributed to the petitioner in any manner. It is also not disputed that consequent upon his arrest on 13.05.2020, recovery of one Kirpan has been allegedly effected by the police from him. During course of trial 11 witness out of 26 are yet to be examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time, as such, no purpose would be served by detaining the petitioner in custody any longer.

6. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the



satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with the evidence of the prosecution in any manner.

- 7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
- 8. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

21.05.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |