



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

214

CRM-M-52708-2024

Date of decision: May 14th, 2025

Bovy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.99 dated 25.10.2023 under Sections 323, 324, 506, 148, 149, 326, 302, 201 of the IPC registered at Police Station Sadar, Kapurthala.

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 08.12.2023. The charges in the present FIR, which is based on an eyewitness account, were framed on 06.08.2024. However, learned counsel has asserted that repeated adjournments have been sought by the prosecution/complainant side and till date, not even a single prosecution witness out of 20 has been examined. Learned counsel, in addition, has drawn the attention of this Court to the FIR, which has been annexed as Annexure P-1. It has been argued that although the petitioner has been named therein and falsely implicated, however, even as per the case of the prosecution, the petitioner, who was alleged to be armed with a

datar, has not been attributed any injury on the deceased, and rather has been attributed a simple injury on the hand of the complainant Sonia (daughter of the deceased). Learned counsel submits that in the circumstances, more so when there is no likelihood of the trial concluding in the near future, the petitioner's further incarceration would serve no useful purpose and he deserves to be enlarged on bail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Subeg Singh, has not disputed the custody period of the petitioner nor has he been able to dispute, on instructions, that the case is being repeatedly adjourned before the trial Court for reasons not attributable to the accused. On further instructions, learned State counsel has submitted that the next date fixed before the trial Court is 27.05.2025 when the prosecution witnesses have yet again been summoned to testify before the trial Court.

4. Learned State counsel has, however, reiterated the allegations levelled in the FIR in question and submitted that the petitioner has been specifically named therein; he along with the co-accused attacked the complainant party with lethal weapons, as a result of which the father of the complainant lost his life. However, learned State counsel, on instructions, has not been able to controvert the submissions made by the counsel opposite qua the petitioner being attributed only a simple injury with a *datar* on the right hand of the complainant.

5. On a specific query, learned State counsel, on instructions, has conceded that as per the case of the prosecution, the petitioner did not inflict any injury on the person of the deceased. On a further

query, learned State counsel, on instructions, has also not contested that the petitioner has no previous criminal antecedents.

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

7. The petitioner has been in custody since 08.12.2023. The petitioner has not been attributed any injury much less fatal on the person of the deceased; he has been attributed a simple injury on the hand of the complainant. As not disputed by the learned State counsel as well, despite repeated adjournments, the prosecution witnesses have not testified so far even though charges were framed way back on 06.08.2024.

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and 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.

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

May 14th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No