

Crl. Misc. No. M-18304 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-18304 of 2018

DATE OF DECISION:19.11.2018

Harvinder Singh @ Harbhajan Singh @ Bhajan SinghPetitioner

Versus

State of PunjabRespondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Gurbir Singh Sidhu, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed by petitioner-Harvinder Singh @ Harbhajan Singh @ Bhajan Singh under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No. 240 dated 3.8.2015 registered under Sections 307/452/323/427/506/120-B IPC read with Section 25/54/59 of Arms Act at Police Station Tripuri Town, Patiala, during pendency of the trial.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case, whereas, he was not involved and no role has been attributed to him. It is no injury case and offence under Section 307 IPC is not made out. The petitioner was earlier declared proclaimed offender and supplementary challan was presented against him.

The petitioner was implicated in the case just to put pressure upon him to

compromise FIR No. 38 dated 28.1.2013. The complainant has already been examined and he has not supported the case of the prosecution. The petitioner is in custody since 22.1.2018. There are total 21 witnesses and only 3 have been examined and no purpose would be served by keeping the petitioner in custody.

Learned counsel for respondent-State has not disputed the custody period as well as examination of three witnesses out of total number of prosecution witnesses but he opposed grant of bail to the petitioner on the ground that three more cases are against him.

On the other hand, learned counsel for the petitioner contends that in case under Section 420 IPC and 306 IPC, the petitioner has been acquitted and in other case under Section 307 IPC, which is also of no injury case, the petitioner is on bail.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that the petitioner is in custody since 22.1.2018; complainant has been examined but he has not supported the case of the prosecution; out of total three cases stated to be pending against the petitioner, in two cases, the petitioner has been acquitted and in one case under Section 307 IPC, which is no injury case like the present one, he is on bail, the present petition is allowed. Petitioner-Harvinder Singh @ Harbhajan Singh @ Bhajan Singh is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

November 19, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes