

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

CRM-M No. 23093 of 2018 (O&M)

Date of decision : 13.12.2018

Gurcharan Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Kanwaljit Singh, Senior Advocate with
Mr. Nimanyu Gautam, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

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DAYA CHAUDHARY, J.

CRM No.21055 of 2018

This application is for placing on record amended head-note and prayer clause of the main petition.

Notice in the application.

On asking of the Court, Ms. Rashmi Attri, AAG, Punjab accepts notice on behalf of the respondent-State.

The head-note and prayer clause of the main petition have been sought to be modified to the extent that along with sections already mentioned, Section 326/307 IPC, which were added subsequently, may also be added.

For the reasons recorded in the application, the same is allowed

and the amend head-note as well as prayer clause annexed with the application is taken on record.

CRM-M No.23093 of 2018

Petitioner Gurcharan Singh has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.23 dated 10.03.2018 under Sections 323, 324, 341, 506, 34 of the Indian Penal Code, 1860 and Sections 326/307 IPC (which have been added later on), registered at Police Station – Begowal, Distt. Kapurthala, during pendency of the trial.

Learned senior counsel for the petitioner submits that it was a case of version and cross version and both the sides have received injuries. On the basis of the cross version, FIR was registered under Section 326 IPC but now the cross version has been cancelled. Learned senior counsel submits that there are total 15 prosecution witnesses and out of which, two material witnesses *i.e.* the complainant as well as the injured have been examined. Petitioner is in custody since 21.03.2018. Trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the period of custody undergone by the petitioner as well as the stage of the trial to the effect that two material prosecution witnesses *i.e.* the complainant and injured have been examined. However, she submits that the date of hearing before the trial Court is for today only.

Heard arguments of learned counsel for the parties and have also gone through the FIR and other documents available on the file.

Keeping in view the submissions made by learned senior counsel for the petitioner and by considering the custody of the petitioner since 21.03.2018 and also the fact that the material prosecution witnesses *i.e.* the complainant and injured have been examined and still trial may take some time to conclude, no purpose would be served by keeping the petitioner behind the bars. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

13.12.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No