

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

270

CRM-M No.28474 of 2017

Date of Decision: April 19th, 2018

Mandeep Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Vipin Mahajan, Advocate
for Mr. Dhawaljeet Dutta, Advocate
for the petitioner.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing the present petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.13 dated 05.03.2017 registered at Police Station City Kahnuwan, District Gurdaspur, under Sections 307, 326, 324, 323, 148, 149 of the Indian Penal Code.

It is the contention of learned counsel for the petitioner that the petitioner was arrested on 20.04.2017 and is in custody since then. His submission is that earlier the witnesses were not coming present in Court despiteailable and non-bailable warrants having been issued. It is only after they were arrested that two witnesses appeared before the Court. One witness namely Dr. Raj Masih stands examined fully and PW-2 Harminder Singh had also appeared and his examination-in-chief was completed, when an application under Section 319 Cr.P.C. was moved which is pending decision before the trial Court for 03.05.2018. His submission is that there are 14 witnesses, out of which only one witness fully and other witness in part has been examined. In case the application

therefore, the petitioner is likely to suffer incarceration without any cause attributable to him. He, thus, prays for the grant of concession of bail keeping in view the fact that there was a cross version also recorded at the behest of the petitioner party, which although was not accepted by the investigating agency and was cancelled but a private complaint has been filed, in which two witnesses have been examined and the case is under consideration. His further submission is that the trial is not likely to conclude early and, therefore, the petitioner be granted the concession of bail.

Counsel for the State, on the other hand, opposes the prayer made by the counsel for the petitioner by asserting that there are specific injuries attributed to the petitioner on the backside of the head of injured Harwinder Singh and another injury with a *datar* on his right hand finger. He contends that the said injured had to be admitted in hospital and remained there for a period of one week and, therefore, should not be granted the concession of bail. He, however, on instructions from ASI Bhupinder Singh, could not dispute the fact that an application under Section 319 Cr.P.C. has been preferred, which is still pending consideration before the trial Court.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is in custody for one year now and the trial is not likely to conclude soon, especially in the light of the fact that an application under Section 319 Cr.P.C. has been preferred in December, 2017 which is still pending consideration, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of
the trial Court.

April 19th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No