

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3577-2019 (O&M)
Date of Decision:- 2.7.2019

Gurpreet Bains @ Gopi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Navjot Singh, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Manoj K. Sharma, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.23, dated 28.2.2018, Police Station Mehtiana, District Hoshiarpur, under Sections 307, 326, 324, 323, 452, 427, 506 and 34 IPC.
2. The FIR was registered at the instance of Inderjit Kaur wherein it has been alleged that on 28.2.2018 when she was present in her house along with her sister-in-law, then Rohit armed with a 'datar' and Gurpreet armed with an 'iron rod' entered their house and started hurling abuses. It is alleged that Gurpreet Singh gave a blow with 'iron rod' hitting the head of the complainant. Rohit is also stated to have given a blow with 'datar' hitting the left hand of the

complainant. Gurpreet Singh is alleged to have given another blow with 'iron rod' hitting the complainant's head and yet another blow hitting the right arm of the complainant. It is further alleged in the FIR that after causing the aforesaid injuries the accused also damaged the Maruti car belonging to the complainant's family.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case. Learned counsel has submitted that in fact the FIR itself suggests the motive for false implication inasmuch as the sister of co-accused Rohit had lodged one FIR against the complainant's husband for an offence under Section 376 IPC. Learned counsel has further submitted that in any case the complainant has already been examined in the present case and that in these circumstances no useful purpose would be served by further detaining the petitioner behind bars.
4. Opposing the petition, learned State counsel has submitted that in view of the fact that serious allegations have been levelled and the petitioner is specifically named in the FIR and has been attributed several injuries including the injury on the head of the complainant, no case for grant of bail is made out. It has further been informed that as on date only 2 out of the cited 19 PWs have been examined including the complainant and the eye witness. It has also been informed that the complainant has been examined on the last date fixed before the trial Court.
5. I have considered rival submissions addressed before this court. Bearing in mind the fact that the petitioner has been behind bars since

the last more than one year and till date only 2 out of the cited 19 PWs have been examined, no useful purpose would be served by indefinitely detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner-Gurpreet Bains @ Gopi is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. The present petition stands accepted accordingly.
7. However, in case the petitioner ever misuses the concession of bail, the prosecution agency as well as the complainant will be at liberty to seek the cancellation of the order granting bail to the petitioner.

July 2, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No