

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

CRM-M No. 27690 of 2018 (O&M)

Date of decision : 05.02.2019

Gurpinder Singh @ Minta

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. B. S. Baath, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Ritesh Pandey, Advocate for the complainant.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 151 dated 29.08.2017 under Sections 307, 324, 323, 341, 379, 506, 34 of the Indian Penal Code, 1860, registered at Police Station – Dinanagar, Distt. Gurdaspur, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. He has undergone the custody of more than one year and two months. Out of total 33 prosecution witnesses, 8 witnesses have been examined including the eye witness and the injured. Four prosecution witnesses have been given up. All remaining prosecution witnesses including the police officials are formal in nature and there is no possibility that the petitioner may influence them or

tamper with the evidence. The 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 custody period undergone by the petitioner as well as the stage of the trial. However, she has opposed the submissions made by learned counsel for the petitioner for bail at this stage.

Similarly, learned counsel for the complainant has also opposed the bail on the ground of seriousness of the offence. He submits that the right eye of the injured has totally been damaged.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

Without commenting anything on the merits of the case and keeping in view the custody period of one year and two months and also the fact that out of total 33 prosecution witnesses, 8 witnesses including the material witnesses have been examined, 4 witnesses have been given up, still the trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody. Accordingly, present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

05.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No