

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

CRM-M No.41382 of 2017

Date of Decision: 26.03.2019

Moti Ram

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. C.M. Munjal, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner, namely, Moti Ram in case FIR No.0069 dated 06.07.2017 registered under Sections 324, 323/34 IPC (Section 302 IPC added later on) at Police Station Arniwala Shekh Shubhan, District Fazilka.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case and no injury has been caused by him to the deceased. As per case of the prosecution, the injury attributed to the petitioner to the complainant injured is simple in nature. The petitioner is in custody since 09.07.2017. The trial may take some time to conclude and no useful purpose would be served by keeping the petitioner behind bars.

Learned State counsel has disputed grant of bail to the petitioner on the ground that the trial is likely to be concluded and all PWs have been examined except one, who is to be cross-examined as his examination-in-chief has already been conducted.

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

The injury which has been attributed to the petitioner has been caused to the complainant injured and not to the deceased and the same has also been admitted by learned counsel for the petitioner as well as learned State counsel. Custody period has not been disputed. After recording the statement of PWs, thereafter, the statement of accused would be recorded under Section 313 Cr.P.C and thereafter, the defence witness. Meaning thereby, some time may be taken in final arguments.

Accordingly, by considering the submissions and role attributed to the petitioner as well as custody, the petitioner would be in a position to defend himself while recording the statement under Section 313 Cr.P.C and also at the time of recording the statements of Dws. The present petition is allowed and petitioner, namely, Moti Ram is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

26.03.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No