

220

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

CRM-M-22723 of 2019

Date of decision: October 15, 2019

Dharaminder Singh @ Fauji

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Gurjinder, Advocate for
Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.08 dated 09.01.2019, under Sections 304/34 of the Indian Penal Code, 1860, registered at Police Station City-II Malerkotla, District Sangrur.

As per prosecution case, petitioner along with his wife went to the house of the complainant, started fighting and abusing him as well as his paternal uncle, namely Mohd. Salim @ Kala, on account of theft of petrol from the motorcycle. Petitioner along with his wife and others gave beatings to Mohd. Salim @ Kala and struck his head against the wall.

Contentends that allegation against the petitioner is that he has hit the head of the deceased with the wall. Further contends that as per inquiry conducted by the DSP, Malerkotla, all three co-accused, namely Sony, Safi and Baba have been found to be innocent, in this case. Also contends that the petitioner is in custody since 09.01.2019, charges were framed on

15.05.2019 and out of total 16 prosecution witnesses, none has been examined till date.

The above factual position is duly acknowledged by learned State counsel, on instructions from ASI Sukhdev Singh.

Heard both sides and perused the paper-book.

The petitioner is in custody since 09.01.2019, after investigation, report under Section 173 of Cr. P.C. has already been submitted, charges were framed on 15.05.2019; and now the case is fixed for prosecution evidence on 21.10.2019 before learned trial Court. Concededly, out of 16 prosecution witnesses, none has been examined till date, thus, the trial will take sufficient long time. There is no other criminal case pending against the petitioner, therefore, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

(MAHABIR SINGH SINDHU)
JUDGE

October 15, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No