

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

CRM-M-26641-2019(O&M)
Date of Decision: 22.10.2019

Madan Lal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. N.S. Shekhawat, Advocate for the petitioner.
Mr. Harpreet Singh Multani, AAG, Punjab.
Mr. J.S. Sandhu, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

CRM-25483 of 2019

Present application has been filed under Section 482
Cr.P.C. for listing the main case for early hearing.

It is contended by learned counsel for the petitioner that
the present application has rendered infructuous as the main case is
fixed for today.

Ordered accordingly.

CRM-M-26641-2019

Present petition has been filed under Section 439 of the
Code of Criminal Procedure for grant of regular bail to the petitioner
in case FIR No.148 dated 22.12.2018 registered under Sections 326,
323, 324, 148, 149 and 188 of the Indian Penal Code and Sections
25, 27, 54 and 59 of the Arms Act, 1959 at Police Station City,
Jalalabad, District Fazilka.

As per the allegations of the prosecution, initially the
above FIR was registered on the statement of Karam Singh son of
Pal Singh U/s 324, 323, 148, 149 IPC against petitioner as well as

his co-accused namely Harmander Singh, Jagtar Singh, Kuldeep Singh, Jagsir Singh, Harpreet Singh, Ramesh Lal, Laxman Singh and Boota Singh, but during investigation, the offences under Sections 326 IPC as well as Section 25 and 27 of the Arms Act, 1959, for short 'the Act' were also added.

It is contended by learned counsel for the petitioner that it is a version and cross version as two persons from petitioner side also suffered the injuries and the inquiry is being conducted by DSP, Jalalabad. Further contends that petitioner is in custody since 23.01.2019 and report under Section 173 Cr.P.C. has already been submitted before the learned Illaqa Magistrate and after framing of the charges on 09.05.2019, now the case is pending for prosecution evidence.

The above factual position is duly acknowledged by learned State counsel on instructions from police official, but he opposed the prayer and submitted that a kappa was recovered from the petitioner during investigation. He also stated that regarding the allegations of the petitioner side, the inquiry is pending with DSP, Jalalabad.

Similar plea has been raised by learned counsel for the complainant while submitting that although a DDR was lodged by the petitioner side but the same was not found to be correct by the police.

Heard both sides and perused the paper book.

Status report by way of affidavit of Bhupinder Singh, PPS, Senior Superintendent of Police, District Fazilka, on behalf of

respondent-State has been filed in Court and the same is taken on record. Perusal of para 3 of the affidavit clearly reveals that an application was made by the petitioner side against the complainant party to the DGP, (Investigation), Punjab, for conducting an inquiry in the matter and the same is pending with DSP, Jalalabad.

Since it is a version and cross-version and the inquiry is being conducted by the DSP in the matter regarding the allegations agianst the complainant side as well. Concededly, petitioner is in custody since 23.01.2019, investigation is already over and nothing is to be recovered from the petitioner. Also relevant to be mentioned here that after framing of the charges, now the case is pending for prosuection evidence, thus the trial is likely to take sufficient long time. In view of the above, further incarceration of the petitioner would not serve any useful purpose.

In view of the facts and circumstances discused hereinabove, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner-Madan Lal be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

October 22, 2019
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[MAHABIR SINGH SINDHU]
JUDGE

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no