

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

CRM-M-27624 of 2019
Date of Decision: 12.09.2019

Rupinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kamal Narula, Advocate for the petitioner.

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

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C. seeking bail pending trial in case FIR No. 37 dated 03.04.2019, under Sections 323, 324, 427, 148 and 149 of the Indian Penal Code (Section 326 IPC was added later on) registered at Police Station Arniwala, District Fazilka.

Learned counsel for the petitioner contends that the role attributed to the petitioner is that he has given *kappa* blow on the left shoulder and on the right hand of complainant, which is on the non vital part of the body. Further contends that the petitioner is in custody since 16.04.2019 and after investigation in the matter report under Section 173 Cr.P.C. was submitted on 11.07.2019 and charges were framed on 07.08.2019. Also contends that there are total 12 prosecution witnesses but, only one has been examined till date. Further argued that there is no other criminal case pending against him, hence, he be enlarged on bail.

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

Heard learned counsel for the parties and perused the paper book.

Keeping in view of the fact that the report under Section 173 Cr.P.C. has already been submitted on 11.07.2019 and charges were framed on 07.08.2019. The petitioner is in custody since 16.04.2019 and there are total 12 prosecution witnesses, but only one has been examined till date. Thus, trial is likely to take a long time to be concluded and as such no useful purpose would be served by keeping the petitioner behind the bars any more.

In view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Rupinder Singh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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.

[MAHABIR SINGH SINDHU]
JUDGE

September 12, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no