

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36331-2019

Date of decision-06.09.2019

Gurtej Singh @ Gandhi

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Manpreet Ghuman, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab assisted by
ASI Pardeep.
Mr. Ankush Singla, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner-Gurtej Singh @ Gandhi has prayed for grant of regular bail in case FIR No.137 dated 01.12.2018 registered under Sections 307, 324, 323, 506, 427, 341, 148 and 120-B read with Section 149 of Indian Penal Code, 1860 (Sections 326, 201 and 34 IPC added later on) at Police Station Tappa Mandi, District Barnala.

The FIR was registered on the statement of Jaspreet Singh @ Jassi wherein he has stated that on 30.11.2018, he along with his friend, namely, Gursewak Singh went to meat shop. His friend was sitting in the car, suddenly one Kuldeep Singh @ Billa along with his companions armed with deadly weapons came there and attacked on the complainant. On raising alarm, all assailants were ran away from the spot.

Learned counsel for the petitioner contends that the petitioner is attributed a sword blow on the leg of the victim. It is pointed out that the injury inviting the punishment under Section 307 IPC is attributed to

Kuldeep Singh who inflicted iron dah injury on the hand of the victim. Learned counsel further submits that the petitioner is in custody since his date of arrest i.e. 17.12.2018 and the investigation of the case is complete. Therefore, further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by ASI Pardeep opposed the bail application. It is not disputed that the injury attributed to the petitioner is on the non-vital part of the injured. He submits that the complainant, namely, Jaspreet Singh has been examined. At this stage, learned counsel for the petitioner contends that after the deposition of the injured, the application for summoning the additional accused stands filed under Section 319 Cr.P.C by the prosecution. She further contends that with this development, the trial is likely to consume some time and in case the application is allowed, the trial may start *de novo*.

Considering the above background, custody period of the petitioner and the fact that the trial of the case is likely to consume more time, this Court does not find any valid reason to detain the petitioner any further in custody. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Barnala.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

06.09.2019

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No