

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

**CRM-M No. 40464 of 2019
Date of Decision:-06.11.2019**

Gaurav

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Lokesh Vohra, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Kamal Narula, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

Petitioner-Gaurav has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 62 dated 05.5.2018, under Sections 307, 326, 325, 323, 379, 148 and 149 IPC, registered at Police Station Guruharsahai, Ferozepur. The petitioner is in custody since 07.9.2018.

As per FIR, on 25.4.2018 at about 9/9.30 pm, complainant Ranjit Singh alongwith his friends Raman Kumar and Sandeep Kumar went to Babe Da Hotel, Faridkot road, Mandi Guruharsahai for dinner. When they reached there, they saw accused Gaurav (petitioner) was sitting there

and consuming liquor. Accused Gaurav started arguing with Sandeep Kumar on some issue. The accused was stopped by the complainant. Then the accused left the place by extending threat to remain there. After few minutes, accused Gaurav alongwith other persons came back and inflicted injuries to complainant and his friends.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as the alleged incident occurred on 25.4.2019 and the FIR was registered on 05.5.2019. As per FIR, only two injuries were attributed to the petitioner with *Kappa*, which were inflicted on back side of head of complainant. Learned counsel further contends that as per MLR, the said injuries were declared grievous in nature and not dangerous to life. Opinion of the doctor in this regard is annexed with the petition as Annexure P-3. He submits that it is seriously debatable, if actually the offence under Section 307 IPC is made out; It is pointed out that out of total 14 witnesses, the prosecution has examined only three witnesses including the complainant. According to him, the trial will take sufficient time to conclude and prays that the petitioner be released on regular bail pending trial.

On the other hand, learned State counsel, who is assisted by ASI Gurdeep Singh, opposed the prayer on the ground that the petitioner is the prime accused, who inflicted grievous injuries on the head of complainant. However, it has not been disputed that the complainant has been examined by the prosecution and 11 prosecution witnesses are yet to be examined.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. 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, Ferozepur.

The petition is allowed.

November 06, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No