

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

CRM-M-41215 of 2019
Date of Decision: 09.12.2019

Raffi Mohammad

....Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sukhmeet Singh, 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. 31 dated 26.05.2019, under Sections 341, 323, 148, 149, 379 and 379-A of the Indian Penal Code, registered at Police Station Sadiq, District Faridkot.

As per the allegations of the prosecution, the injuries attributed to the petitioner are on hand and back of the injured. Learned counsel for the petitioner contends that the petitioner is in custody since 23.07.2019 and after investigation in the matter report under Section 173 Cr.P.C. was presented on 26.07.2019 and charges have been framed on 04.09.2019. Also contends that there are total 12 prosecution witnesses, but only two have been examined till date and there is no other criminal case pending against the petitioner.

Learned State counsel has acknowledged the above

factual position on instructions from ASI Balwinder Singh.

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

Since the injuries attributed to the petitioners are on the non-vital part of the body and the petitioner is in custody since 23.07.2019, report under Section 173 Cr.P.C. was presented on 26.07.2019 and charges have also been framed in this case. There are total 12 prosecution witnesses, but only two have been examined till date. Since the 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 allowed. Petitioner-Raffi Mohammad 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

December 09, 2019

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Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no