

S.No.223

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

CRM-M-45818 of 2019 (O&M)

Date of Decision:11.12.2019

Gurcharan Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Pardeep Singh Mirpur, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.146 dated 28.05.2019 registered under Sections 324, 323, 148, 149 IPC and (later on added Sections 325, 308 IPC vide DDR No.29 dated 09.09.2019 in cross case DDR No.49 dated 11.05.2019 under Section 323, 34 IPC) at Police Station Talwandi Sabo, District Bathinda.

It is contended by counsel for the petitioner that it is a case of version and cross-version, in which even the persons from the side of the petitioner were caused injury. Even as per the case of the other side, the petitioner is not attributed any injury as such. He is alleged to be only present at the spot at the time of incident. The petitioner is in custody since 10.09.2019. The prosecution evidence has already started. Hence, the petitioner is not required for any investigation purposes.

On the other hand, learned State Counsel, on instructions from HC Gurjinder Singh, submits that the petitioner has been part of an unlawful assembly. Therefore, the petitioner has committed a heinous crime.

However, it is not disputed that no injury is attributed to the petitioner. It is

also not disputed that the petitioner is in custody since 10.09.2019.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

December 11, 2019
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No