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

**CRM-M-48389 of 2019**

**Date of decision: November 26, 2019**

Avtar Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

**Present:** Mr. Jasdev Singh Mehndiratta, Advocate for the petitioners.

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

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**MAHABIR SINGH SINDHU, J**

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioners, in FIR No.42 dated 23.04.2019, under Sections 323, 341, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC') (Section 307 of IPC added later on), registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

As per prosecution case, petitioner No.1, namely Avtar Singh had given knife blow on the left side of the abdomen of complainant whereas, petitioner No.2, namely Satnam Singh had given fist blow on his right eye.

Contentends that as per allegations of the prosecution itself, the occurrence had taken place on 18.04.2019 and the present FIR was registered after a delay of five days, i.e. on 23.04.2019. Also contentends that the petitioners are in custody since 21.09.2019 and after

investigation, challan has already been presented. Further contends that there is no other criminal case against the petitioners. It is also contended that the complainant, namely Gurpal Singh, being the close relative of Inspector at Police Station Bassi Pathana, namely, Jasvir Singh, was harassing the daughter of petitioner No.1 and even an FIR No.67 dated 31.07.2019, under Section 354-A of IPC, has also been registered at Police Station Bassi Pathana, against him, in this regard.

The above factual position in respect of allegation of prosecution, delay in lodging the FIR as well as custody of the petitioners is duly acknowledged by the learned State counsel, on instructions from police official present in Court to assist him; but has opposed the bail of the petitioners.

Heard both sides and perused the paper-book.

Perusal of the paper-book reveals that the injuries suffered by the complainant are as under:-

*“(1) Patient complaint of pain above the right eye O/C abrasion is seen. No fresh bleeding.*

*(2) Patient complaint of pain around the left hypochondrial region of abdomen O/E: deep lacerated wound about (0.1 x 1 cm) with irregular margin bleeding (+). Advice surgery opinion.*

*No more external injuries present at the time of examination.”*

Initially police had found that no cognizable offence was made out and FIR was registered after a period of five days under Sections 323, 341, 148, 149 of IPC; thus, the petitioners were released on bail. Thereafter, Section 325 of IPC was added and second time also, the

petitioners were released on bail. Thus, on third occasion, after a period of approximately five months, opinion of doctor was sought and offence under Section 307 of IPC has been added. Concededly, FIR No.67 dated 31.07.2019 is pending against the complainant on account of harassment caused to the daughter of petitioner No.1.

As the petitioners are in custody since 21.09.2019, investigation in the matter is already over; thus, the trial will take sufficient long time. Therefore, further incarceration of the petitioners would not serve any purpose.

In view of the above, this petition is allowed. Petitioners are ordered to be released on bail, in this case, on their furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioners shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

**November 26, 2019**

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No