

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-1638 of 2020

.....

Date of decision:22.01.2020

Harchand Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Ashok Kumar Verma

.....

Present: Mr. Mayur Karkra, Advocate for the petitioner.

Mr. Sukhbir Singh, Assistant Advocate General, Punjab for the
respondent-State.

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Ashok Kumar Verma, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.102 dated 15.11.2019 (Annexure-P.1) registered for the offences under Sections 323, 324, 307, 379-B, 295-A, 341, 427, 506, 148 and 149 IPC (Sections 353, 186, 201 and 325 IPC and Section 3 of the Prevention of Defacement of Property Act, 1985, which were added later on) at Police Station Kheri Gandian, District Patiala.

Notice of motion to Advocate General, Punjab.

Mr. Sukhbir Singh, learned Assistant Advocate General, Punjab has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

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From the record, I find that the only role attributed to the petitioner is that he gave 'Gandasi' blow on the back of complainant-Harsangat Singh, whereas as per the photographs Mark-A to C placed on record the petitioner has been shown to be empty handed only. As per medical record of the injured as well as the complainant the injuries attributed to them are simple in nature. It is the moot point as to whether the offence under Section 307 IPC is made out or not.

The petitioner has been in custody since 23.11.2019. the co-accused-Gursewak Singh and Narinder Singh of the petitioner have already been granted the concession of anticipatory bail by this court. The injured have since been discharged from the hospital. The petitioner is not required for interrogation or investigation purposes as he is in judicial custody. The trial of the case is likely to take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

January 22, 2020.

(Ashok Kumar Verma)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No