

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

277

**CRM-M-5555-2020
Date of Decision : 26.02.2020**

Harsh Gupta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Arpan Sabharwal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.185 dated 02.09.2019 registered under Sections 148, 149, 307, 326, 323, 324, 341, 379-B and 427 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Haibowal, Ludhiana.

Learned State Counsel has appeared and opposed the petition in terms of status report filed on 25.02.2020.

In compliance with order dated 25.02.2020, Mr. Mohal Lal, S.I./S.H.O. Police Station Haibowal, Ludhiana and Mr. Malkiat Singh, S.I./Investigating Officer of the case have also appeared. Copies of the MLR have been filed today which are taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. Two reports under Section 173(2) of the Cr.P.C. have been filed against seven accused persons. The petitioner is alleged to have inflicted injury with sharp edged weapon on the left arm of Sunny @ Pubbi which was opined to be grievous but could not be said to be dangerous to life. The injury dangerous to life is not attributed to him. The petitioner is in custody since 06.09.2019. Co-accused Nikhil Gill and Bablu have been granted

anticipatory bail by this Court while co-accused Sonu Kalyan has been granted interim anticipatory bail by this Court. The trial is likely to take long time and no useful purpose will be served by detention of the petitioner in custody.

Learned State Counsel has argued that the petitioner had caused grievous injury with sharp edged weapon to Sunny @ Pubbi and in view of the gravity of accusation, the petitioner does not deserve grant of regular bail and therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, period of his custody and the fact that adjudication of his guilt or innocence on the basis of evidence to be produced during the trial is likely to take long time and that his further detention in custody, not being punitive, will not serve any useful purpose but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned subject to the condition that the petitioner will not commit any offence of similar nature and in case of commission of any offence of similar nature by the petitioner, his bail in the present case shall also be liable to be cancelled on filing of application by the prosecution in this regard.

26.02.2020
Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No