

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

**CRM-M-5787 of 2021 (O&M)
DATE OF DECISION :- July 13, 2021**

Harjinder Singh @ Ghuka Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. N.S.Sidhu, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Harjinder Singh @ Ghuka Singh son of Dyal Singh @ Gurdial Singh, aged about 25 years, resident of Patti Sekha, Bhunder, District Bathinda, an accused in F.I.R. No. 70 dated 15.7.2020 registered with Police Station Balianwali, District Bathinda for offences under Sections 379B/323/148/149 IPC (Section 325 added later on).

Briefly stated the facts of the case as per prosecution story are that on 11.7.2020 at about 9.00 P.M, while complainant Gurdit Singh was returning home on his motorcycle after doing exercise in a gymnasium and when he reached at Bhairo Chowk of his village within jurisdiction of Police Station Balianwali, Bathinda then Bihari Singh armed with an iron rod, Harjinder Singh @ Ghuka Singh (petitioner-accused) armed with Ghope, Nikka Singh armed with iron Kassia, Dade Singh armed with Kahari

(axe) along with some unknown persons attacked him causing him multiple injuries. The injury attributed to petitioner accused is on the right leg which was declared to be grievous in nature.

On matter being reported to the police, formal F.I.R. was registered. Accused-petitioner was arrested in this case on 17.8.2020. On completion of investigation, challan against him is said to have been filed in the Court. Petitioner accused had filed application for grant of regular bail before the Court of Sessions at Bathinda, however, his such application which was assigned to Additional Sessions Judge, Bathinda was, however, dismissed vide order dated 22.12.2020. Feeling aggrieved, he has approached this Court craving for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has stated that though petitioner is involved in another criminal case but as per his instructions he is on bail in that case. He has submitted that injury attributed to the petitioner is on a non vital part and he is in custody for more than 10 months. The conclusion of trial is likely to take considerable time especially when the functioning of the Courts has been adversely effected on account of outbreak of Covid-19. The guilt of the accused shall be determined during the trial. One of his co-accused namely Gopal Singh has been granted pre-arrest bail by this Court vide order dated 8.4.2021 (Annexure P-3). He has prayed that the petition be accepted.

Although, learned State counsel has opposed the request but I find that keeping in view the facts and circumstances of the case and in light of the submissions made by learned counsel for the petitioner, the petition

deserves to be accepted and it is hereby allowed. Petitioner Harjinder Singh @ Ghuka Singh is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Bathinda subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

July 13, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No