

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5859-2021

Date of decision: - 16.02.2021

Harmanjot Singh @ Jund

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI, J. (ORAL)

Present fourth petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.198 dated 21.10.2019, under Sections 307, 148 & 149 of the IPC and Sections 25/27/54 of the Arms Act, 1959, registered at Police Station Gate Hakima, District Amritsar.

Learned counsel for the petitioner argues that as per the allegations, blunt injuries with gun shots to the injured Gaurav Kumar @ Baba have been attributed to the petitioner. Learned counsel for the petitioner further argues that said Gaurav Kumar @ Baba was examined by the trial Court on 03.11.2020 and he has not named the petitioner, who

has inflicted the said injuries upon him. Learned counsel for the petitioner states that once, the injured victim has made a statement during the trial that the injuries being attributed to the petitioner in the FIR are not correct, keeping the petitioner behind the bars throughout the trial will serve no purpose and the petitioner be granted the benefit of regular bail .

Notice of motion.

Keeping in view the advance copy given, Mr. Ramdeep Partap Singh, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

Learned State counsel fairly concedes the fact that injured Gaurav Kumar @ Baba has already turned hostile and has declined to identify the petitioner as the person who has inflicted injuries upon him. Learned State counsel submits that the prosecution evidence is going on and it is likely that the petitioner might influence the other witnesses and therefore, he may not be granted the regular bail, at this stage.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, during the trial the injured person has failed to identify the petitioner being the one who has inflicted injuries upon him and the trial is likely to take some time before the same finishes, no useful purpose will be served by keeping the petitioner behind the bars.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 16, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No