

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.9354 of 2021(O&M)

Date of Decision: 03.11.2021

Guljar Singh

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILLPresent: Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Naveen Sharma, Advocate
for the complainant.

Harnaresh Singh Gill, J. (Oral)

The case is being taken up for hearing through video conferencing.

Prayer is for grant of regular bail filed under Section 439 Cr.P.C. in case FIR No.84 dated 13.07.2019 under sections 307, 302, 120-B, 148, 149, IPC and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended 2015) and Section 25, 27 of Arms Act, 1959 at Police Station, Sadar Sri Multsar Sahib, District Sri Muktsar Sahib.

The custody certificate by way of affidavit dated 02.11.2021 of the Additional Superintendent, Central Jail, Faridkot, submitted by the learned State counsel, is taken on record.

Learned counsel for the petitioner states that no injury has been attributed to the petitioner. The petitioner has not participated in the alleged occurrence and has stated to be standing there. He further submits that the petitioner has been in custody since 14.07.2019. It is further submitted that the petitioner belongs to Scheduled Caste category himself thus a case under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not made out against the petitioner.

Per contra, learned State counsel while opposing the prayer for grant of regular bail to the petitioner submits that the petitioner is a part of unlawful assembly and batton has been recovered from the petitioner. It is further submitted that out of 57 prosecution witnesses, 10 have already been examined.

I have heard the learned counsel for the parties.

In the present case, the petitioner has been in custody since 14.07.2019 and no injury has been attributed to the petitioner. As pointed out by learned State counsel, 47 prosecution witnesses are yet to be examined. Moreover, trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/ Duty Magistrate.

3rd November, 2021

Sonia Puri

(HARNARESH SINGH GILL)
JUDGE

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