

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

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CRM-M-10346-2021(O&M)

Date of Decision: 17.11.2021

Hizkayel Masih @ Bunty @ Buntu

....Petitioner

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Ms. Sukhvir Kaur, Advocate for
Mr. R.K. Arya, Advocate for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner- **Hizkayel Masih @ Bunty @ Buntu** in case F.I.R. No.94 dated 28.11.2019 under Sections 148, 307, 323 and 324 IPC read with Section 149 IPC, registered at Police Station Fatehgarh Churian, Batala, District Gurdaspur.

Learned counsel for petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. She further submits that petitioner is languishing in custody since 06.12.2019 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. She further urges that complainant/injured – Prince Masih when appeared in the witness-box as PW-1 has resiled from the prosecution version. She further submits that PW-2 Kewal Masih- injured has not supported the cause of prosecution. She further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is languishing in custody since 06.12.2019; that *Challan* has already been presented in Court; that material witnesses namely Prince Masih and Kewal Masih have already been examined and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner- **Hizkayel Masih @ Bunty @ Buntu** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, District Gurdaspur, as the case may be.

(LALIT BATRA)
JUDGE

17.11.2021

d.gulati

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No