

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

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**CRM-14346-2021 in
CRM-M-16591-2021.
Date of Decision: 25.05.2021.**

Harbans Singh @ Banso @ Basant SinghApplicant/Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Vikram Singh Chahal, Advocate for applicant/petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

CRM-14346-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 19.08.2021.

Notice of application.

At the asking of Court, learned State counsel accepts notice and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is postponed and the main case is taken on Board today itself.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by

petitioner-**Harbans Singh @ Banso @ Basant Singh** for grant of regular

bail in case FIR No.107 dated 20.06.2018 under Sections 326 and 506 IPC read with Section 34 IPC (Section 307 IPC added lateron), registered at Police Station Lopoke, District Amritsar.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that injury sustained on left side of chest by *Kirch* blow on the person of injured-Gursewak Singh, which injury has been declared 'dangerous to life', said injury is allegedly attributed to co-accused Malkeet Singh. He further submits that allegedly petitioner caught hold Gursewak Singh from hair. He further submits that petitioner is in custody since 22.12.2020 and he is no more required by the Investigating Agency for any investigation purpose. He further submits that after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He 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 and carefully gone through the records.

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 in custody since 22.12.2020; that

petitioner is no more required by the Investigating Agency for investigation purpose; that final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court 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-**Harbans Singh @ Banso @ Basant Singh** 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, Amritsar, as the case may be.

(LALIT BATRA)
JUDGE

25.05.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No