

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

CRM-M-17956-2021(O&M)

Date of decision: 03.08.2021

Prabhdeep Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Balbir Singh Sewak, Addl. A.G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case bearing FIR No. 240 dated 08.10.2020, registered under Sections 308, 323, 325, 506, 341, 148 and 149 IPC, Sections 143 and 308 IPC added later on, at Police Station Dasuya, District Hoshiarpur.

Learned counsel for the petitioner states that the FIR was registered on the basis of the statement of complainant-Sukhdev Kumar. Injury No. 1 on the back of the head of the complainant, which was attributed to the petitioner, has been declared simple in nature. As per the statement of

injured-Preet Kumar, brother of the complainant, the petitioner inflicted injuries on the front side of the his head, which has been declared grievous in nature. The petitioner and his brother have also received injuries. This is a case of version and cross-version. Charges have been framed. Moreover, all other co-accused are on bail. The petitioner is in custody for the last nine months and eighteen days.

Copy of custody certificate by way of affidavit dated 02.08.2021 of the Superintendent, Central Jail, Kapurthala, submitted by the learned State counsel through email, is taken on record.

The status report by way of affidavit dated 06.07.2021 of the Deputy Superintendent of Police, Sub-Division Dasuya, District Hoshiarpur, already filed in the Registry, is taken on record.

Learned State counsel, while opposing the prayer for bail, submits that as per the opinion of the Doctor, the injury upon the head of the brother of the complainant-Preet Kumar, which stands attributed to the petitioner is dangerous to life and Sections 308 was added vide DDR No. 24 dated 09.10.2020, hence the petitioner is not entitled to the concession of the bail. He however, does not dispute the custody period of the petitioner and this is a case of version and cross-version. He also submits that no prosecution witness has been examined so far.

I have heard the learned counsel for the parties.

The petitioner is in custody for the last nine months and eighteen days. All other co-accused are on bail. Though the case is at the stage of

evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

03.08.2021

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No