

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

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**CRM-26631-2021 in
CRM-M-18961-2021.
Date of Decision: 31.08.2021.**

Joginder Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Vikas Singh, Advocate, for
Mr. Parminder Singh-I, Advocate for applicant/petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

CRM-26631-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 08.10.2021.

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 preponed and the main petition is taken on Board today itself.

CRM is allowed.

Main Case

This petition under Section 439 Cr.P.C has been moved by petitioner-**Joginder Singh** for grant of regular bail in case FIR No.253 dated 05.12.2020 under Sections 304, 307, 323, 324, 449, 450 and 506 IPC read with Section 34 IPC (Section 326 IPC added lateron), registered at Police Station Maur, District Bathinda.

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 allegedly petitioner was empty-handed and he had only raised *Lalkara*. He further urges that allegedly *Gandasi* blow on the head of complainant-D.C. Singh, is attributed to co-accused Kirtan Singh, whereas blow with *Faura* (instrument used for picking cow-dung) on the person of Jagroop Singh (since deceased) is allegedly attributed to co-accused Yadwinder Singh. He further submits that allegedly Balvir Kaur had sustained only one injury and that too simple in nature and caused by means of blunt weapon. He further submits that petitioner is languishing in custody since 06.12.2020 and he is no more required by the Investigating Agency for any investigation purpose as 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 record of the case.

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 06.12.2020; that petitioner is no more required by the Investigating Agency for investigation purpose as after completion of investigation 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-**Joginder 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, Bathinda, as the case may be.

(LALIT BATRA)
JUDGE

31.08.2021
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No