

CRM-M-20388-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-20388-2021 (O&M).
Decided on: August 20, 2021.**

Shampy

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Karanjeet Singh Brar, Advocate,
for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.15 dated 2.2.2021, under Sections 365, 307, 342, 323, 148 and 149 of IPC, registered at Police Station City – I, Abohar, District Fazikla.

Learned counsel for the petitioner has submitted that in the present case even as per the FIR the role attributable to the petitioner is of giving a blow with *gandasa* on the left arm which is on the non-vital part of the body. He has submitted that present petitioner was, in fact, falsely

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implicated in the present case in view of the fact of the old rivalry between the complainant and the petitioner and the petitioner was not even in a position to move out from his bed in view of the injury which he has suffered earlier in the year 2020 regarding which he has attached medical record. He has submitted that even till date the petitioner is in the bad medical condition because of the injury he had suffered earlier and he was advised surgery for the same. He has further submitted that even otherwise also, the investigation of the case is complete and no recovery is to be effected from the petitioner and the charges have already been framed on 17.08.2021 and the petitioner is facing incarceration for the last 7 months as he is in custody since 25.02.2021 and since the trial of the case would take long time, no useful purpose will be served in case the petitioner is kept in custody for longer time.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody since 25.02.2021 and the investigation of the case is already complete and the charges have already been framed on 17.08.2021 and no recovery is to be effected from the petitioner.

I have heard the learned counsel for the parties.

Keeping in view the fact that the investigation of the case is already complete and no recovery is to be effected from the petitioner and even charges have also been framed by the learned trial Court coupled with the fact that it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or tamper with evidence

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or may flee from justice.

Therefore, keeping in view the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

August 20, 2021.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No