

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30522-2021(O&M)

Date of decision : 09.12.2021

Satnam Singh Binder

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rohan Garg, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

Mr.Arjun Dev, Advocate for
Mr.Vivek K.Thakur, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

CRM-41984-2021

This is an application under Section 482 Cr.P.c. for addition of offence under Section 201 IPC in the head note and in the prayer clause of the petition.

In view of the averments made in the application, the same is allowed and Section 201 IPC is ordered to be added in the head note and prayer clause of the petition. Office is directed to do necessary corrections accordingly.

CRM-M-30522-2021

This is a first petition under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in FIR no.236 dated 23.08.2019

registered under Sections 186, 353, 332, 379-B, 506 and 201 IPC at Police Station City Kapurthala, District Kapurthala.

Learned counsel for the petitioner has argued that in the present case even as per the prosecution version, three injuries were caused to the complainant which were all simple and with a blunt weapon. It is further submitted that as far as the theft of tablet is concerned, the same has not been recovered from the petitioner. It is further submitted that the petitioner has been in custody since 01.06.2021 and there are 12 prosecution witnesses and none of them have been examined and thus, the trial is likely to take time. It is further stated that the petitioner is not involved in any other case.

Learned State counsel as well as learned counsel for the complainant have opposed the petition for bail. It has been pointed out by them that the petitioner had earlier sought anticipatory bail and although the interim order was passed in his favour on 23.12.2019, but his petition for anticipatory bail was finally dismissed on 30.01.2020 and thereafter, the petitioner was declared as proclaimed offender on 18.08.2020 and arrested on 01.08.2021. However, the fact that the injuries caused to the complainant were simple in nature and also, the fact that the petitioner has been in custody since 01.06.2021, has not been disputed.

Keeping in view the above said facts and circumstances moreso, the fact that the injuries attributed to the petitioner are simple in nature and the petitioner has been in custody since 01.06.2021 and the challan in the present case has already been presented and there are 12 prosecution witnesses and none of them have been examined and thus, the trial is likely to take time moreso, in view of the present pandemic and also the fact that the complainant is not involved in the present case, the present

petition for regular bail is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 09, 2021
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No