

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32741 of 2020

Date of Decision: 19th January, 2021

Nishan Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Amardeep Singh, Advocate for the petitioner.

Ma. Bhavna Gupta, DAG, Punjab.

Mr. Joginder Pal Devgan, Advocate for the complainant.

(Heard through Video Conferencing)

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.63 dated 02.05.2020 under Sections 307, 325, 323, 148, 149, 188 and 269 of the Indian Penal Code; 25 and 27 of the Arms Act and 51 (b) of the Disaster Management Act, 2005, registered at Police Station Harike, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 14.06.2019. It is submitted that the petitioner has been falsely implicated in the present case. In fact initial FIR was recorded against one Yadwinder Singh @ Yaddu, who had fired a gun shot. Learned counsel for the petitioner also contends that he was only implicated after 43 days from the lodging of the FIR by way of supplementary statement. He further argued that custodial interrogation of the petitioner is no longer required as the matter has been investigated and the challan has already been filed.

Learned State counsel opposes the grant of bail, however, admits the factum of the matter being investigated while stating that the role attributed to the petitioner is only an injury caused with an iron rod on the wrist of the complainant.

Learned counsel for the complainant argues against the grant of bail to the petitioner while stating that the petitioner herein was part of a gang, which was threatening the complainant.

I have heard learned counsel for the parties.

Since, the matter has been investigated and the challan stands presented and the trial is likely to take some time to conclude coupled with the fact that the petitioner herein has been in custody since 14.06.2019, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed as an expression on the merits of the case.

Needless to say that in case the petitioner herein threatens or violates the provisions of Section 439 Cr.P.C., the respondent-State would be at liberty to move an appropriate application for cancellation of bail granted to the petitioner.

(JAISHREE THAKUR)
JUDGE

19th January, 2021
jk

Whether speaking/reasoned Yes/No

Whether reportable Yes/No