

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM No. M-40567-2021

Date of Decision : 04.10.2021

Gurbhej Singh

....Petitioner

Versus

State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.
(keeping in view advance copy given)

Mr. Vipin Mahajan, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 53, dated 27.05.2021, registered under Sections 307, 452, 148, 149 IPC at Police Station Sri Hargobindpur, District Gurdaspur.

Learned counsel for the petitioner argues that petitioner has not been named in the FIR and has been roped in the present case only on the basis of disclosure statement of co-accused, namely, Prabhjot Singh and petitioner has not been attributed any injury upon the victim and nothing has been recovered from him. Learned counsel for the petitioner submits that a similarly situated co-accused, namely, Onkar Singh, has already been granted the benefit of regular bail by this Court while deciding CRM No.

M-37764 of 2021, on 15.09.2021.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Mr. Vipin Mahajan, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Learned State counsel concedes that petitioner has not been named in the FIR and also no injury has been attributed to him and the co-accused, namely, Onkar Singh, has already been granted the benefit of regular bail. Learned counsel appearing on behalf of the complainant submits that the son of the complainant was brutally beaten and has stitches all over his face and, therefore, keeping in view the said fact, the petitioner is not entitled for the grant of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Learned counsel for the complainant has not been able to point out any injury attributed to the petitioner. Keeping in view the fact that no injury has been attributed to the petitioner to have been inflicted upon the victim and the similarly situated co-accused, namely, Onkar Singh, has already been granted the benefit of regular bail by this Court, the petitioner has made out a case for the grant of regular bail as no useful purpose will be served to keep the petitioner behind the bars during the trial, which is likely to take some time before it concluded.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 04, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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