

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

**CRM-M No.33943 of 2019
Date of Decision:08.03.2021**

BALWANT SINGH

...Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. G.S. Sandhu, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.44 dated 22.09.2018 registered under Sections 302, 323, 325, 148 and 149 IPC at Police Station Government Railway Police, District Ferozepur.

Learned counsel for the petitioner states that the petitioner was found innocent in two inquiries, one conducted by the Deputy Superintendent of Police (Administration), G.R.P. Punjab, Patiala (Annexure P-3) and another by the SIT constituted by the Additional Director General of Police, Railway, Punjab, Chandigarh (Annexure P-8).

He further states that the petitioner has been in custody since 22.09.2018 and an application moved by the complainant for taking cognizance against Pritam Kaur, Gagandeep Kaur and Amandeep Kaur, has been dismissed on 21.01.2019 by the Chief Judicial Magistrate, Ferozepure (Annexure P-5). Moreover, the injury attributed to the petitioner is the same as

is attributed to the other co-accused, who have been exonerated by the police during inquiry proceedings and as stated above, they have been kept in column No.2.

Learned State counsel assisted by the counsel for the complainant, while opposing the prayer for bail, states that injury No.4 on the forehead of the deceased, is attributed to the petitioner and hence the petitioner is not entitled to the concession of the bail. He however, does not disputed the custody period of the petitioner but states that the case is fixed for prosecution evidence before the trial Court for 15.03.2021.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 22.09.2018. As noticed above, the petitioner was found innocent in the two inquiries conducted by the Police and the challan has not been presented against three of the co-accused namely, Pritam Kaur, Gagandeep Kaur and Amandeep Kaur. The trial will take time to conclude and no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

March 08, 2021

Jyoti Whether speaking/reasoned Yes/No Whether Reportable Yes/No