

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

CRM-M-2623-2022 (O&M)

Date of decision: 11.07.2022

Sarabjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vivek Salathia, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

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. 45 dated 04.09.2021 registered under Sections 308, 326, 341, 323, 324, 506, 148 and 149 IPC, at Police Station Kotli Surat Mallian, Police District Batala. The earlier petition was dismissed as withdrawn vide order dated 14.12.2021.

Short reply by way of affidavit dated 11.07.2022 of the Deputy Superintendent of Police, Sub-Division Dera Baba Nanak, Police District Batala, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case because of dispute qua land; that the injury entailing the offence under Section 326 IPC attributed to the petitioner is on the fingers of the right hand of Gurpreet Singh; that the injury entailing the offence under Section 308 IPC on the person of Sikandar Singh,

is not attributed to petitioner; that the petitioner is not involved in any other case; that out of 21 prosecution witnesses, none has been examined so far and that the petitioner has been in custody since 09.09.2021.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the occurrence. The petitioner was armed with a *Datar* and has inflicted injury to Gurpreet Singh entailing the offence under Section 326 IPC. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 09.09.2021. The injury attributed to the petitioner is not on the vital part. The charges are yet to be framed. Therefore, the conclusion of the trial would take time. Moreover, there is no other case against the petitioner. Hence, 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

11.07.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No