

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

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CRM-M-6840-2022 (O&M)

Date of Decision: 25.07.2022

BOHAR SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. GBS Dhillon, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

Mr. KS Brar, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.107 dated 18.10.2019, registered at Police Station Zira, District Ferozepur, under Sections 302, 324, 323, 148 and 149 IPC.

Status report by way of an affidavit dated 04.05.2022 of the Deputy Superintendent of Police, Sub-Division Zira, District Ferozepur, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner contends that since August, 2021, no prosecution witness has been examined; that, though specific injuries on the person of the injured are attributed to the petitioner, yet the petitioner has been in custody since 21.10.2019; that it

is a case of version and cross-version and it is yet to be ascertained as to which party was the aggressor one; that complainant-Inderjit Singh and eye-witness Gurpreet Singh have committed the murder of co-accused, namely, Mandeep Singh, who stands granted ad interim pre-arrest bail by this Court and that both of the complainant and the eye-witness have been declared as proclaimed offenders on 23.12.2021. He further submits that on a complaint moved by the petitioner, DDR no.31 dated 19.10.2019 under Sections 324, 323, 148 and 149 IPC was registered against the complainant party.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel and learned counsel for the complainant does not dispute the custody period of the petitioner. He, however, submits that the petitioner gave an iron rod blow on the head of Sukhwinder Singh. He further submits that the prosecution evidence is yet to commence.'

I have heard the learned counsel for the parties.

The petitioner has been in custody since 21.10.2019. It is a case of version and cross-version. The complainant and the eye-witness have been declared as proclaimed offender on 23.12.2021. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of

either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

25.07.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No