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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6994-2022
Date of Decision: 04.04.2022

Tarlok Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Dinesh Mahajan, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present is the second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.89 dated 22.08.2019 under Sections 307, 452, 323, 324, 120-B and 34 IPC, registered at Police Station Ghuman, Police District Batala, District Gurdaspur, Punjab.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 23.08.2019 which is almost 2 years 8 months and 8 out of 20 prosecution witnesses have been examined and all the material prosecution witnesses have been examined. He further submitted that earlier also the petitioner had filed a bail application before this Court

but since at that point of time the material witnesses had not been examined and, therefore, he had withdrawn the bail application at that stage vide order dated 19.01.2021 vide Annexure P-3. He further submitted that since all the material witnesses have been examined and the petitioner has clean antecedents and he is not involved in any other case. He further submitted that no recovery is to be effected from the petitioner and considering the long custody of the petitioner, he may be considered for the grant of regular bail.

Mr. Davinder Bir Singh, learned Deputy Advocate General, Haryana has submitted that it is correct that the petitioner is in custody from 23.08.2019 which is almost 2 years 8 months and all the material witnesses have been examined and no recovery is to be effected from the petitioner. However, he has opposed the grant of bail on the ground that the matter is serious in nature because injuries have been attributable to the petitioner.

Mr. Dinesh Mahajan, Advocate has also caused appearance on behalf of the complainant and has stated that looking at the injuries caused by the petitioner, he is not entitled for the grant of regular bail.

I have heard the learned counsel for the parties.

The petitioner is in custody from 23.08.2019 which is almost 2 years and 8 months and as per the learned counsel for the parties all the material witnesses have been examined. No further recovery is to be effected from the petitioner and even as per the learned counsel for the parties the petitioner is not involved in any other case. The present is a second bail application filed by the petitioner and earlier he had withdrawn the bail

application at that stage on 19.01.2021 because no material witness had been examined and since now as per the learned counsel for the parties all the material witnesses have been examined, the second successive bail application would certainly be maintainable. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper evidence or may flee from justice.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

04.04.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No