

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

222

CRM-M-8408-2022(O&M)
Date of Decision : **August 30, 2022**

PRABHDEEP SOOMAL

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. J.S.Thakur, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.246 dated 19.12.2020 under Sections 341, 323, 324, 325, 326, 307, 148, 149 IPC, registered at Police Station Goraya, District Jalandhar Rural.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 9.3.2021 which is almost one year and five months. He submitted that the investigation of the case has been completed and thereafter the challan was filed on 5.5.2021 and more than one year has elapsed that the charges have not been framed in the present case. He further submitted that the petitioner has faced incarceration for about one year and five months and the role attributable to the petitioner in the present case was giving of a blow on the right wrist which is a non-vital part of the body. He submitted that no recovery

is to be effected from the present petitioner and considering the custody of the petitioner and the fact that the charges have not been framed till date and the trial of the case may take long time, the petitioner may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner is in custody from 9.3.2021 which is almost one year and five months and more than one year has elapsed since the challan was presented and till date the charges have not been framed in the present case. He submitted that it is correct that no recovery is to be effected from the petitioner. He has, however, submitted that the petitioner is also involved in another case i.e. FIR No. 247 dated 10.11.2017 under Sections 307/34 IPC and Sections 25/27/54/59 of Arms Act.

The learned counsel for the petitioner has submitted that in the aforesaid FIR as stated by the learned State counsel, the petitioner is already on bail.

I have heard the learned counsels for the parties.

The petitioner has suffered incarceration for about one year and five months and the investigation of the case has been completed. As per the learned counsels for the parties, no recovery is to be effected from the petitioner and the role attributable to the petitioner was giving of a blow on the right wrist. The fact that the petitioner is also involved in one another case cannot become a ground for denial of regular bail. 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 with

any evidence or may flee from justice.

Therefore, without commenting upon the merits and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

August 30, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No