

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-13946-2022 (O&M)

Date of Decision: 19.12.2022

Harpreet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rajeev K. Kapila, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.
Mr. Shikhar Kataria, Advocate for
Mr. Harsh Chopra, Advocate for the complainant.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.0003 dated 7.1.2022 registered for the offences punishable under Sections 323, 341, 325, 379, 506, 149 IPC (Section 307 IPC added later on) at Police Station Mahilpur, District Hoshiarpur.

Counsel for the petitioner *inter alia* contends that the petitioner who is lodged behind the bars for the last more than 11 months is falsely implicated in the present case which was registered against unknown persons who attacked and caused injuries to complainant-Paramjit Singh Bains and there are also allegations that the said miscreants snatched mobile phone and other belongings of the complainant and then sped away from there. He further submits that the petitioner was named as accused in the supplementary statement of the complainant which was recorded after about

4 days of the incident and during the trial, the complainant has been examined but it will take considerable time for the trial to conclude and as such, no gainful purpose is going to be served by extending judicial custody of the petitioner who is having no criminal history.

Present petition is contested by the State counsel who on instructions from ASI Manjit Singh submits that the petitioner and his companions assaulted and committed snatching from the complainant who is a police official. State counsel further submits that the trial is going on. However, he has admitted the fact that FIR in this case was registered against unknown persons and during the trial, the complainant already stands examined.

Counsel for the complainant also argued on the same lines as that of State counsel.

I have considered the submissions made by the counsel for the parties.

Undoubtedly, FIR in this case was registered against unknown persons and after 4 days of the occurrence, the name of the petitioner surfaced in the supplementary statement of the complainant and the petitioner is in custody for the last more than 11 months and during the trial, the complainant has been examined and out of total 20 witnesses, till date only, two prosecution witnesses are examined and it will take considerable time for the trial to terminate. Further, as the complainant has been examined, there is no apprehension that if released on bail, the petitioner is going to influence him in any manner. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

December 19, 2022

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No