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

CRM-M-16230-2022

Date of decision : 29.09.2022

Dilbagh Singh @ Baga and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mrs. G.K. Mann, Sr. Advocate with
Mr. Kanwar Pahul Singh, Advocate and
Mr. J.S. Bajwa, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

Mr. Prateek Sodhi, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioners in FIR No.38 dated 01.03.2022 registered under Sections 324/326/427/148/149 of the Indian Penal Code, 1860 (Section 307 of IPC has been added later on vide order dated 09.08.2022 passed by this Court) at Police Station Lopoke, District Amritsar Rural.

Learned Senior Counsel for the petitioner has submitted that in the present case, both the petitioners are in custody since 28.03.2022 and investigation is complete and the challan has been presented and there are 10 prosecution witnesses, out of which, none have been examined as yet and

thus, the conclusion of trial is likely to take time. It is further submitted that the petitioners are not involved in any other case and even as per the FIR, no specific injury has been attributed to them. It is contended that there is a delay of more than six months in registering the FIR inasmuch as the incident is of 27.08.2021 whereas the FIR has been registered on 01.03.2022.

On the other hand, learned State Counsel as well as complainant have opposed the present petition for grant of regular bail to the petitioners and have submitted that petitioner No.1-Dilbagh Singh @ Baga had raised *lalkara* and had caught hold of complainant from his arms and petitioner No.2-Roop Singh @ Roopa Singh had caught hold of complainant from his legs. It is further submitted by the learned counsel for the complainant that there is no delay in registration of FIR inasmuch the incident is of 27.08.2021 and the MLR was recorded on the same day and on 03.09.2021, the complainant had given a representation to the police for registering an FIR and after the complainant was discharged on 10.09.2021, he had filed a petition for directing the respondents to take appropriate action on the representation made by him and it is only after an order had been passed by this High Court on 25.10.2021 to consider the said representation that the present FIR was registered on 01.03.2022.

This Court has heard the learned counsel for the parties and has perused the paper book.

In the present case, both the petitioners are in custody since 28.03.2022 and investigation is complete and the challan has already been presented and out of 10 prosecution witnesses, none have been examined as

yet and thus, the conclusion of trial is likely to take time. The petitioners are stated to be not involved in any other case and they have not been attributed any specific injury to the complainant.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioners are directed to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to them not being required in any other case.

However, it is made clear that in case, any act is done by the petitioners to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioners.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

29.09.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No