

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

CRM-M-18231-2022

Date of decision : 01.06.2022

Gurdip Singh @ Sonu

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Avtar Singh Bhatti, Advocate for the petitioner.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.0175 dated 11.12.2020 under Sections 323, 324, 341, 427, 506, 148 and 149 Indian Penal Code, 1860 (Sections 326, 325 and 34 IPC added and Sections 148 and 149 IPC deleted later on) registered at Police Station Hariana, District Hoshiarpur, who is in custody since his arrest on 16.11.2021.

The allegations contained in above FIR, as noticed by the learned Additional Sessions Judge, Hoshiarpur in the order dated 07.03.2022 are as under:-

“The FIR in the present case was registered on the statement of complainant Goldy on the allegations that he is working in a liquor vend. On 30.11.2020, at about 9.00 AM, he was returning on motorcycle to his Village from shop of Raju at Adda Bhikhowal after taking chicken and when he reached near Village Kantian, Gurdip Singh @ Sonu, Shakeen Lal @Babbu, Mandip Singh @ Tinka and Princepreet alongwith three other unknown persons were standing on motorcycles. Princepreet stopped him after parking his motorcycle in

front of him and Gurdip Singh @ Sonu raised lalkara to teach him lesson for quarreling with them in the liquor vend (Ahata) and he gave Datar blow on his head. He raised his right arm to save himself and blow of Datar hit near his elbow. Then Shakeen Lal @ Babbu gave iron rod blow which hit him near knee of left leg as a result of which he fell down with motorcycle. While he was laying on the ground, accused Mandeep Singh @ Tinka gave Danda blow on his back and three unknown persons also gave him kick blows. He raised alarm and accused slipped away from the spot after damaging his motorcycle and threatening him. On his information, his uncle Raj Kumar came at the spot and got him admitted at Civil Hospital, Hoshiarpur. The motive behind occurrence is that about 20-25 days earlier, above said accused persons quarreled with him at wine shop and due to this reason, they inflicted injuries to him. On the basis of said statement, FIR of the present case was registered.”

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case as the alleged occurrence took place on 30.11.2020, whereas the FIR was registered on 11.12.2020. He has further argued that co-accused of the petitioner who have been specifically named in the FIR already stand declared innocent and the offence punishable under Sections 326 and 325 IPC were added later on. According to him, investigation of the case is complete and after framing of charges on 12.04.2022, out of total 14 prosecution witnesses, only one witness has been examined so far. He prays for bail.

On the other hand, learned State counsel assisted by SI Dharmender Singh has opposed the prayer on the ground that the petitioner actively participated in the crime and caused injuries to the victim. However, he does not dispute this fact that the investigation of the

case is complete and still thirteen prosecution witnesses remain to be examined out of total 14 witnesses.

After hearing learned counsel for the parties, considering the above background and custody of the petitioner as well as stage of the trial, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as only one prosecution witnesses has been examined so far, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 16.11.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

01.06.2022

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