

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

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CRM-M-20163-2022 (O&M)

Date of Decision: 23.11.2022

GURDIAL SINGH

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. TS Attariwala, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.77 dated 22.03.2022, registered at Police Station Division-8, District Jalandhar, under Sections 307, 379, 427, 411, 353, 186 and 120-B IPC and Section 7 of the Essential Commodities Act, 1956.

Learned counsel for the petitioner contends that the petitioner has falsely been involved in the present case; that, as per the contents of FIR, Section 307 IPC is not made out against the petitioner; that there is no allegation of causing any injury to the complainant, who himself is a police official; that recovery has already been effected; that there is no other case registered or pending against the petitioner and that the petitioner has been in custody since 22.03.2022.

Per contra, while opposing the prayer for grant of regular

bail to the petitioner, learned State counsel submits that the petitioner along with the co-accused had committed the theft of oil from the transformer; that when the police officials chased the accused, they had intentionally rammed their truck into the motor-cycle of the police officials and caused injuries to them and that the accused had voluntarily obstructed the police officials in the discharge of their public duties. He, however, does not dispute the custody period of the petitioner. He further submits that 50 ltr oil, truck, motorcycle and the tools used in the commission of the offence were recovered from the petitioner and that out of 13 prosecution witnesses, 3 have already been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 22.03.2022. Recovery has already been effected. As per the learned counsel for the petitioner, Section 307 IPC is not made out against the petitioner. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

23.11.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*