

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

CRM-M-22603-2022 (O&M)

Date of decision: 14.11.2022

Prince @ Hans

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 65 dated 18.03.2020, registered under Sections 302, 323, 341, 506, 148, 149 IPC, at Police Station Gate Hakima, District Amritsar.

Custody certificate dated 11.11.2022 issued by the Superintendent, Central Jail, Amritsar, filed by the learned State Counsel in the Court is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the allegations against the petitioner are that he was the member of unlawful assembly and has given kick blows to Gurnam Singh (since deceased), Amandeep Singh and Harwinder Singh and the complainant; that the charges have been framed but out of 21 prosecution witnesses, only 01 witness has been examined so far and that the petitioner has been in custody since 04.08.2021 and that co-accused, namely, Rajbir Singh @ Rajan and Mukesh Kumar @ Sonu @

Moongi, against whom there were specific attributions, have already been granted regular bail.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the occurrence. The bail petition of the co-accused Jaspal Singh, who has given fatal injury to the deceased, has been dismissed. However, he does not dispute the custody period of the petitioner and the fact that out of 21 prosecution witness, only 01 has been examined.

I have heard the learned counsel for the parties and have also gone through the paper-book.

The petitioner has been in custody since 04.08.2021. Only kick blows have been attributed to the petitioner. Two co-accused namely, Rajbir Singh @ Rajan and Mukesh Kumar @ Sonu @ Moongi, against whom there were specific attributions have been granted regular bail. Remaining 20 prosecution witnesses are yet to be examined. As per the custody certificate, the petitioner is not involved in any other case. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

(HARNARESH SINGH GILL)
JUDGE

14.11.2022
Mangal Singh

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