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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.27621 of 2022 (O&M)

Date of decision: 04.07.2022

Gurmail Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.51 dated 03.08.2021, for offence punishable under Sections 307, 325, 324, 323, 34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Khem Karan, District Tarn Taran.

Counsel for the petitioner has submitted that it is a matter of version and cross-version and in the cross-version, the petitioner has suffered injury invoking Section 326 IPC. It is further submitted that the FIR was registered after 02 days and as per the medical opinion, no offence under Section 307 IPC is made out and none of the injuries were found to be dangerous to life. It is also argued that in the cross-version, the person, who has caused the injuries to the petitioner i.e. Avneet Singh, has been granted the concession of interim bail vide

order dated 11.03.2022 passed by the Additional Sessions Judge, Tarn Taran. Lastly, it is argued that the petitioner is the first offender and he is in custody for the last 02 months and 21 days and is not involved in any other case and the investigation is complete.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. Counsel for the State, on instructions from ASI Gurpal Singh, also submits that challan has already been prepared and will be filed soon in the Court.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 02 months and 21 days; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

04.07.2022
yakub

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