

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM No. M-28296-2022

Date of Decision : 01.08.2022

Baljit Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Joginder Pal Ratra, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

Short reply on behalf of the respondents along with custody certificate of the petitioner has been filed in Court today. The same are taken on record.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 44 dated 21.05.2021, registered under Sections 323, 324, 325, 326, 447, 511 read with Section 34 IPC at Police Station Ghuman, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner argues that there were two injured persons in the present case, one is complainant, Mukhtiar Singh and the other one is his son, namely Jagir Singh. Learned counsel for the petitioner submits that the allegations against the petitioner is of inflicting injuries upon Jagir Singh for which Section 325 IPC has been invoked

whereas, with regard to the injuries inflicted upon Mukhtiar Singh attributed

to the co-accused, Harwinder Singh in the present case, Section 326 IPC has been invoked. Learned counsel submits that two co-accused, namely, Harwinder Singh and Shubhjit Kaur have already been extended the concession of anticipatory bail by the co-ordinate bench of this Court, hence keeping the petitioner behind the bars any further will serve no purpose, especially, when the complainant's examination-in-chief has already been got done. Learned counsel for the petitioner submits that the allegations against the petitioner are yet to be proved and keeping in view the fact that out of total 22 witnesses, only two witnesses have been examined so far and the trial is likely to take some time before it concludes, petitioner may kindly be extended the benefit of regular bail.

Learned State counsel concedes that it is matter of fact that the injury inviting Section 325 of the IPC has been attributed to the petitioner whereas, injury inviting Section 326 IPC has been attributed to the co-accused Harwinder Singh, who is already on anticipatory bail. Learned counsel concedes the fact that only two witnesses have been examined so far out of total 22 witnesses.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that out of total 22 witnesses, only 2 have been examined so far coupled with the fact that co-accused Harwinder Singh, on whom, injury inviting Section 326 IPC has been attributed, is already on anticipatory bail and even the 3rd co-accused is also on anticipatory bail, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial as nothing has

of regular bail, he will influence the witnesses or the trial rather, learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial or the witnesses in any manner and will maintain good conduct, if he is granted the concession of regular bail. In case of default of the said undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 01, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No