

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28518-2022
Date of decision: 12.07.2022

GURMEJ MASIH AND ANR. ...PETITIONERS
VERSUS
STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ritesh Pandey, Advocate for the petitioners.
 Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioners have been circulated today and the same are taken on record.

Gurmej Masih and Monu @ Monu Masih-petitioners are seeking regular bail in the case bearing FIR No.95 dated 20.11.2021 under Sections 452/325/323/354/34 IPC, registered at Police Station Qadian, District Batala.

Briefly, as per the allegations on 15.11.2021, at about 07:00 PM, the petitioners along with the co-accused entered the house of the complainant and inflicted injuries on the person of the complainant and his daughter. The injuries attributed to the petitioners are by means of base ball bat on the person of the complainant and his daughter.

Learned counsel for the petitioners contend that the occurrence took place on account of minor scuffle of the young daughters of both the parties. There is no allegation with regard to commission of offence under Section 354 IPC. The Richal @ Ranchal, co-accused has been granted interim bail by this Court. The injured have been discharged from the hospital and the petitioners are in judicial custody. All the offences except the offence under Sections 452/354

Learned State counsel has resisted the bail application on the score that the investigation of the case is still pending.

Be that as it may, the custody certificate indicates that the petitioners are in custody for a period of 01 month and 13 days. The injured have been discharged from the hospital. The custodial interrogation of the petitioners is over and they have been remanded to judicial custody. All the offences except the offence under Sections 452/354 IPC are bailable. From the allegations as spelt out in the FIR, it will remain debatable and moot point as to whether the offence under Section 354 IPC is made out or not. The offences are triable by the Court of learned Judicial Magistrate 1st Class. The completion of investigation and the presentation of challan is likely to take sometime. No fruitful purpose will be served by detaining the petitioners in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioners are ordered to be released on bail on their furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

12.07.2022
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(VIVEK PURI)
JUDGE

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