

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

CRM-M-29144-2022

Date of decision: 14.07.2022

Mahinder Singh @ Giani

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Naresh Jain, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. A.S.Sekhon, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.175 dated 30.08.2020, registered at Police Station Khui Khera, District Fazilka, under Sections 302, 458, 171, 323, 324, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that although the petitioner was allegedly armed with a stick, yet no injury has been attributed to him; that the petitioner has been in custody 23.09.2020; that co-accused, namely, Kulwinder Singh @ Jatinder Pal Singh @ Babbu has since been granted the concession of regular bail by this Court, vide order dated 30.05.2022, and that the prosecution witnesses are yet to be examined. He further contends that so far as other cases registered or pending against the petitioner, are concerned, he has been acquitted in two cases and released on bail in two cases whereas found innocent in two cases. On this premise, learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel and learned counsel for the complainant, while opposing the grant of bail to the petitioner, submit that the petitioner had actively participated in the occurrence and that the complainant is yet to be examined.

I have heard the learned counsel for the parties.

No injury has been attributed to the petitioner. The petitioner has been in custody since 23.09.2020. As stated above, the co-accused has since been granted the concession of regular bail. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, 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 present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

14.07.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No