

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

SR. No.225

CRM-M-28946-2022

Date of Decision:14.07.2022

Surjan

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Arshit Goyal, Advocate,
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.11 dated 21.01.2019 under Sections 302/325/323/341/148/149 IPC , registered at Police Station Kotwali Nabha, District Patiala.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody since 28.01.2019, which is more than 03 years and 05 months. It is a case where allegations against the petitioner along with the other co-accused are that they were holding bricks in their hands and have caused injury to the deceased. He further submitted that the material witnesses have been examined and the similarly situated co-accused have already been granted the regular bail by this Court vide orders dated 11.05.2022 and 20.05.2022 (Annexures P-4 and P-5).

On the other hand, Mr. J.S. Thind, DAG, Punjab, has submitted that it is correct that the petitioner is in custody for the last more than 03 years and 05 months. He has further submitted that out of 28 witnesses, 11

witnesses including the material witnesses have already been examined. He has also submitted that similarly situated co-accused have already been granted the regular bail by this Court vide orders dated 11.05.2022 and 20.05.2022 and the role assigned to the present petitioner is similar to the other co-accused. However, he has opposed the present petition keeping in view the facts and circumstances of the case.

I have heard the learned counsel for the parties.

As per the learned counsel for the parties, the petitioner is in custody for the last more than 03 years and 05 months and the other co-accused, to whom the similar role was assigned, have already been granted the regular bail by this Court. According to learned counsel for both the parties, all the material witnesses have been examined. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may abscond or may influence any witness.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

14.07.2022
mks

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO