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

**CRM-M-32388-2022
Date of Decision: 01.08.2022**

Balram Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shivender Pal, Advocate for
Mr. B.S. Bhalla, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

Mr. Manpreet Singh Dhaliwal, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.275 dated 17.11.2021, under Sections 307, 341, 323, 378-B, 506, 148 & 149 of the IPC and Sections 25 & 27 of the Arms Act, 1959, registered at Police Station City South Moga, District Moga.

It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and the complainant is the brother-in-law of the petitioner. He further submitted that even as per the allegations, the petitioner had caused injuries to the complainant and with a result the injuries were caused on the legs and

another allegation was that another co-accused had fired but there is no recovery of any weapon or any empty cartridge and it was a concocted story. He also submitted that the petitioner is in custody since 04.06.2022 and no recovery is to be effected from the petitioner and the present FIR was a result of only an ego between the brothers-in-law.

On the other hand, Mr. R.S. Thind, learned DAG, Punjab has stated that it is correct that the petitioner is in custody since 04.06.2022. He further submitted that the petitioner is not involved in any other case and no recovery was made pertaining to any weapon and therefore, Section 201 of the IPC was added. He also submitted that the injuries were caused on the legs of the complainant by rods and the same have been recovered. He further submitted that it is a case where the dispute is between the petitioner and the complainant, who are the brothers-in-law with each other and there was a dispute between them.

I have heard the learned counsel for the parties.

It is a case where one brother-in-law had allegedly hit the other brother-in-law and there was a marital discord between the petitioner and his wife and the complainant is the brother-in-law of the petitioner. No recovery of any weapon has to be made in the present case and as per the learned State counsel, no further recovery is required. As per the learned counsel for the parties, the petitioner is not involved in any other case and has got clean antecedents. Apart from the same, it is neither argued by the learned State counsel nor it is the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness. Although the case is still at the investigation stage

but the petitioner deserves the concession of bail in view of the aforesaid facts and circumstances of the present case, where no recovery is to be effected from him and the learned State counsel has not expressed any apprehension with regard to the fleeing of the petitioner.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

01.08.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |