

CRM-M-36922-2021 (O&M)

Through video conference
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-36922-2021 (O&M).
Decided on: January 6, 2022.

BALKARAN SINGH

.. Petitioner

VERSUS

STATE OF PUNJAB

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT Mr.Amaninder Singh Sekhon, Advocate,
for the petitioner.

Mr.Sandeep Singh Deol, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.40 dated 2.7.2020, under Sections 307 and 323/34 IPC, registered at Police Station Bajakhana, District Faridkot.

It has been submitted by the learned counsel for the petitioner that the petitioner was falsely implicated in the present case and

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even as per the allegations in the FIR, the petitioner had inflicted kappa blow on one Ram Singh. He submitted that the allegations against the petitioner are totally concocted particularly in view of the fact that no MLR of said Ram Singh was conducted and it was thereafter, at a later stage that he got some treatment from PGI with regard to his facial surgery. He has submitted that other two co-accused namely Manpreet Singh and Satnam Singh @ Satta have been granted bail by this Court vide Annexures P-14 and P-15. He has further submitted that the petitioner is in custody since 6.7.2020 which is almost 1½ years and the investigation of the case is complete and one of the prosecution witness i.e. Doctor has since been examined. He further submitted that petitioner is not involved in any other case and he has clean antecedents and therefore, the petitioner may be granted the concession of regular bail.

On the other hand, learned State counsel has not disputed that the petitioner is in custody since 6.7.2020 and after completion of the investigation report under Section 173 Cr.P.C. has also been presented before the competent Court and now the case is fixed for prosecution evidence and even one witness i.e. Doctor has also been examined. He has further submitted that there is allegation of giving kappa blow on the face of one Ram Singh which is serious in nature and therefore, the present petition be dismissed. However, the antecedents of the petitioner have also not been disputed by the learned State counsel.

I have heard the learned counsel for the parties.

The custody period of the petitioner which is more than

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1½ years is not in dispute. It is also not disputed that after completion of the investigation, report under Section 173 Cr.P.C. has been presented and even one witness i.e. Doctor has also been examined. The other co-accused who had allegedly given dang blow have been granted bail by this Court. It is further the case of both the parties that no MLR of Ram Singh was conducted on whom allegedly the injuries were attributable to the petitioner. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned in case not required any other case.

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

January 6, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No