

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32811-2020
Date of Decision: 29.03.2022

Bhupinder Singh @ Kali

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Anupam Bhanot, Advocate for
Mr. A.S. Gill, Advocate, for the petitioner.

Mr. Davinder Bir Singh, 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.46 dated 10.05.2020, under Sections 307, 323, 324, 148 and 149 IPC, registered at Police Station Daba, District Ludhiana.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 15.05.2020 and the investigation of the case has already been completed and thereafter challan has been presented before the competent Court. However, the charges have not been framed as of now. She further submitted that it is a case where the allegations were against the petitioner and three other co-accused mentioned in the FIR whereby they had given some beatings to the son of the complainant who was a drug addict and the same has been stated in the FIR itself that the son of the complainant was a drug addict and he received some injuries. She

further submitted that since the investigation of the case has been completed and no further recovery is to be effected from the petitioner, he may be considered for the grant of regular bail. She further submitted that although the petitioner is involved in one other case under Section 379-B IPC and the petitioner is on bail in that case and the trial of the case may take long time, the petitioner may be considered for the grant of regular bail. She further submitted that the injured is also hail and hearty because he had received simple injuries only.

On the other hand, Mr. Davinder Bir Singh, learned DAG, Punjab has submitted that it is correct that the petitioner is in custody from 15.05.2020 and in that regard a custody certificate has also been filed in the Court. He further submitted that investigation of the case has already been completed and further no recovery is to be effected from the petitioner. However, he has opposed the regular bail to the petitioner only on the ground that the matter is serious in nature by stating that the injuries on the injured were greivous in nature.

I have heard the learned counsel for the parties.

The petitioner is in custody from 15.05.2020 and as per the learned counsel for the parties the investigation of the case has already been completed and otherwise also the injured is hail and hearty. According to the learned State counsel the challan was presented on 05.08.2020 but more than 1½ years have elapsed and even the charges have not been framed till date. Apart from this, as per the learned counsel for the parties all the other co-accused have been released on bail and the petitioner appears to be at parity with them. 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 abscond from justice.

Therefore considering the aforesaid facts and circumstances of the present case, 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.

29.03.2022

rakesh

(JASGURPREET SINGH PURI)**JUDGE**

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