

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

CRM-M-34495-2022 (O&M)

Date of decision: 28.09.2022

Varinder Doctor @ Ravinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.S. Sekhon, Advocate for the petitioner.

Mr. Subhash Godara, Addl. A.G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this 3rd 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, 323, 324, 171, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the FIR was registered on the complaint of Davinder Singh @ Titri alleging therein that his brother Babber Singh was murdered; that the injury attributed to the petitioner is on the ankle of the right leg of the complainant with an iron rod and no injury on the person of the deceased has been attributed to the petitioner; that out of 19 accused, 14 have been found innocent and out of 05 accused who were challaned, 04 have already been granted bail including similarly placed co-accused Surinder Kumar @ Shampu; that the petitioner has been in custody since 23.09.2020; that the petitioner is not involved in any other case and that the prosecution witnesses are yet to be examined. On

this premise, learned counsel prays that the petitioner be released on bail.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the crime. However, he does not dispute the custody period of the petitioner and the fact that the petitioner is not involved in any other case and the injury attributed to the petitioner is on the ankle of the right leg of the complainant. He submits that out of 29 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 23.09.2020. No injury on the person of the deceased has been attributed to the petitioner. Similarly placed co-accused Surinder Kumar @ Shampu, was granted regular bail by this Court vide order dated 14.07.2022. Moreover, there is no other case against the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

28.09.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No