

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.214

CRM-M-39440-2021 (O&M)

Date of decision: 01.02.2022

Sewa Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.43 dated 02.06.2021 registered under Sections 326, 324, 323, 148, 149 IPC at Police Station Bhaini Mian Khan, District Gurdaspur.

The petitioner and his co-accused are being prosecuted for having inflicted injuries on the complainant party which include grievous injuries.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case due to enmity between him and the complainant; the petitioner has been in custody since 29.07.2021; the present is a case of version and cross-version; the complainant side was the aggressor; investigation in the case is complete; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the petitioner is attributed one simple and one grievous injury with both the injuries on the non-vital part of the body of the complainant; no further recovery is required to be made from the petitioner and since in the petitioner's trial till date no prosecution witnesses has been examined, it will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is a habitual offender having other two

criminal cases pending against him and that in the present case he has caused two injuries on the complainant which include one grievous injury.

The petitioner has been in custody since 29.07.2021; the present is a case of version and cross-version; investigation in the case is complete; the petitioner is attributed one simple and one grievous injury with both the injuries on non-vital part of the body of the complainant; no further recovery is required to be made from the petitioner and since till date, in the petitioner's trial, no prosecution witness has been examined, it is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Gurdaspur, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

It is further clarified that while on bail if the petitioner is found indulging in any other criminal activity it shall be open to the State to seek cancellation of the bail granted to him through this order, in accordance with law.

February 01, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No