

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CRM-M-34526-2022

Date of Decision : August 23, 2022

Balwinder Singh @ Gaggi

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harpal Singh Sidhu, Advocate, for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.62 dated 11.05.2021 registered under Sections 323, 324, 341, 148 and 149 of the IPC (Sections 307, 326 of the IPC and Section 25 of the Arms Act added later on) at Police Station City Moga, District Moga.

Learned counsel for the petitioner argues that the main allegations are against accused namely Sonu Kumar @ Mogli and Vishal Kumar @ Baggi of attributing injuries upon the victim and the said co-accused Sonu Kumar @ Mogli has already been extended the concession of regular bail by the Coordinate Bench of this Court while passing order in CRM-M-20367 of 2022 on 01.08.2022 (Annexure P-3) and Vishal Kumar @ Baggi has already been extended bail by the trial Court on 18.04.2022

(Annexure P-2). Learned counsel for the petitioner submits that the only allegation alleged against the petitioner is to accompany the other co-accused with a baseball bat and there is no such allegation that the petitioner inflicted any injury with the said baseball bat, hence, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial especially when the complainant has partly been examined.

Notice of motion.

Mr. Inderpreet Singh Kang, learned Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State concedes the factum that the other co-accused, against whom there are allegations of inflicting an injury upon the victim, have already been granted the concession of regular bail. It is also not disputed by the learned counsel for the respondent-State that there is no allegation of inflicting any injury by the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of this case where, the co-accused, against whom the allegations are of inflicting the injuries, have already been extended the concession of regular bail either by the Coordinate Bench of this Court or by the trial Court, coupled with the fact that the complainant has partly been examined and the trial is likely to take some more time before it concludes, the petitioner has made out a case for the grant of regular bail especially when learned counsel for the petitioner has undertaken before this Court in case, the petitioner is extended the benefit of regular bail, he will not influence the trial or the witnesses in any

manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 23, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No