

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

209

CRM-M-36709-2022

Date of Decision: August 25, 2022

SODHI RAM

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Tarun Singla, Advocate
for the petitioner.

Mr. J. S. Mehndiratta, Additional AG, Punjab.

AMAN CHAUDHARY, J.(Oral)

The 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.36 dated 26.03.2022 under Sections 323, 324, 506 and 34 IPC (Section 326 IPC added lateron vide DDR No.35 dated 27.04.2022), registered at Police Station Goraya, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there is a delay of 59 hours in lodging the FIR. He further submits that recovery of Kahi has already been effected. He further submits that there is no motive and premeditated mind, it being a street fight. He further states that co-accused, namely, Resho has also been granted regular bail by the learned trial Court on 01.06.2022. Learned counsel further submits that injured/complainant had been discharged from hospital on 2.4.2022. He also submits that challan has already been filed, however, charges are yet to be framed. There are 16 witnesses in all. He further submits that the petitioner has been in custody for the last 03 months and 27 days. Learned counsel further contends that the petitioner is not involved in any other case.

Learned State counsel opposes the prayer of the petitioner and submits that the injured is 75 year old man, he, though on instructions confirms that the injured was discharged from hospital on 2.4.2022 and that though, challan has been filed but charges have yet not been framed.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case and the fact that co-accused had already been granted bail; the petitioner has been in custody for almost four months; the injured had been discharged from the hospital on 2.4.2022; though the challan has been filed as is the case of the parties, but the charges are yet to be framed; even otherwise, there are 16 witnesses, who would have to be examined after framing of the charge, thus, the trial is likely to take considerable time, as also the fact that the petitioner is stated to be not involved in any other case, his further detention behind the bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case.

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made above, which have only been made for the purpose of adjudicating the present petition for grant of bail.

August 25, 2022

rimpal

(AMAN CHAUDHARY)**JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No