

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

210

CRM-M-42054-2021

Date of decision: 14.07.2022

GURMUKH SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Bhupinder Banga, Advocate
for Mr. Janak Singh Bhinder, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab
for the respondent-State.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 34 dated 12.07.2021 registered at Police Station Dharmgarh, District Sangrur, wherein, offences constituted under Sections 307, 323, 341, 325 of the IPC, and, under Section 3(2)(V) of SC and ST Act added later on, are embodied.

2. The incriminatory role, as assigned to the present bail petitioner is that qua his striking the leg of the victim with an iron rod. However, the recovery of the above used weapon of offence by the present bail petitioner, at the crime site, and, upon the victim, has been submitted by the learned State Counsel, to become recovered, at his instance, to the investigating officer concerned.

3. Even though, the learned State Counsel vehemently

opposes the grant of regular bail to the present bail petitioner, on the ground, that he had struck also, blows with user of iron rod, hence on the head of the victim, but since the MLR as prepared by the doctor concerned, with respect to the injuries entailed on the person of the victim, rather on its reading, does not reveal, that any injury became entailed on the head of the victim.

4. In consequence, rather when the only injury which became struck with an iron rod was on the leg of the victim. As a corollary, and, when all the relevant recoveries, are, submitted by the learned State Counsel, to become effected to the investigating officer, besides when, since at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence, or influencing prosecution witnesses, besides when the present bail petitioner stepped into judicial custody, on 15.07.2021, therefore, his judicial incarceration is not required to be any further prolonged, as thereupon, his personal liberty would become unnecessarily fettered, and, curtailed.

5. However, the learned State Counsel has vehemently opposed the application, on the ground, that the bail applicant-petitioner is a habitual offender, thereupon there is every likelihood of the bail applicant-petitioner abusing the facility of bail, as may become accorded to him. However, the vigour of the afore made submission, of the learned State Counsel, before this Court, can be mitigated, by imposition of stringent conditions, upon the bail applicant-petitioner.

6. In aftermath, the instant petition is allowed, and, the

petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal, and, surety bonds in the sum of Rs.1,00,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted. Further, subject to petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, he re-indulges in criminal activities, whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled, and, that, upon, his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody.

7. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

14.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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