

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(226)

CRM-M-40362-2022 (O&M)

Date of decision: - 21.11.2022

Gurmeet Singh @ Raju @ Raji

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Naveen Bawa, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 439 Cr.P.C. to grant regular bail to the petitioner in FIR No.72 dated 31.03.2022, registered under Sections 307, 324 and 342 IPC, at Police Station Sarabha Nagar, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 01.04.2022 and the investigation is complete and the challan has been presented and there are 13 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is further submitted that a perusal of the FIR would show that the petitioner and the complainant party were closely related and a dispute had arisen in the heat of the moment. It is also stated that the complainant as well as injured are now keeping good health and thus, has prayed that

the petitioner be released on regular bail.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the complainant had suffered two injuries on the right hand and a reddish abrasion on the neck also. It is further submitted that even the mother of the complainant had suffered injuries including injury on the head. The other facts, however, have not been disputed by learned State counsel.

Keeping in view of the above-said facts and circumstances, more so, the fact that the petitioner is in custody since 01.04.2022 and the investigation is complete and the challan has been presented and there are 13 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time and also the fact that the dispute is between the family members and the complainant and the injured are keeping good health, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application, if any, stands disposed of
in view of the abovesaid judgment.

November 21, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No