

CRM-M-41609-2022

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

CRM-M-41609-2022

Date of decision:29.11.2022

Balkar Singh alias Fauji

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Aman Deep Singh Rai, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

Mr. Kulwant Singh, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.129 dated 13.11.2019, registered at Police Station Sadar Raikot, District Ludhiana, under Sections 302, 341, 323, 506 and 34 IPC and Section 3(2) SC/ST Act, 1989.

Status report dated 16.11.2022, by way of affidavit of the Deputy Superintendent of Police, Sub Division Raikot, District Ludhiana (Rural), filed in the Registry, is taken on record.

Learned counsel for the petitioner contends that the injury on the left ear of the deceased, with reverse side of *gandasi*, has been attributed to the petitioner, yet the fact remains that the petitioner has been

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in custody since 14.11.2019; that co-accused, namely, Gurjant, who was not attributed any injury on the deceased, has since been granted the concession of regular bail by a Coordinate Bench, vide order dated 01.06.2022 passed in CRM-M-18186-2022; that challan has been presented and that out of 19 prosecution witnesses, only 02 witnesses i.e. complainant and eye-witness have been examined so far. So far as another case registered against the petitioner, is concerned, he has been released on bail therein.

On the other hand, learned State counsel assisted by the learned counsel for the complainant, while opposing the grant of bail to the petitioner, submits that the petitioner, who is the main accused, had inflicted a fatal injury upon the left ear of the deceased as well as injury upon the person of the complainant.

I have heard the learned counsel for the parties.

Though the injury on the left ear of the deceased, with reverse side of *gandasi*, and simple injury upon the person of the complainant, have been attributed to the petitioner, yet the fact remains that the petitioner has been in custody since 14.11.2019 and out of 19 prosecution witnesses, only 02 witnesses i.e. complainant and eye-witness have been examined so far. In such circumstances, conclusion of the trial would take a long time. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his

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furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

29.11.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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