

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.112

CRM-M-45262-2021

Date of decision: 15.02.2022

Harpal Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. H.S. Mann, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.98 dated 02.08.2021 registered under Sections 323, 452, 34 IPC (Section 307 IPC added later on) at Police Station Jakhal, District Fatehabad.

Briefly stated, the case of the prosecution is that on account of a sudden fight the petitioner and his co-accused gave beatings to the complainant's husband – Gurpal Singh.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case as he is related to the main accused Satnam Singh; the complainant and her husband are inimical to Satnam Singh; there is no other criminal case in which the petitioner is involved; the petitioner is in custody since 20.08.2021; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, no specific injury is attributed to the petitioner and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner and his co-accused inflicted injuries on Gurpal Singh which include an injury which is dangerous to life.

The petitioner has been in custody since 20.08.2021; there is no other criminal case in which the petitioner is involved; no specific injury is attributed to the petitioner and therefore, his exact role would be considered and decided during the course of his trial which remains pending; investigation in the case is complete and that the petitioner's trial, which is yet to begin, is likely to take a long time to conclude

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Fatehabad, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

February 15, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No