

105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46060-2021

Date of Decision: 11.02.2022

MOHAMMAD SHAHID @ GOSHI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Imran Farooqi, Advocate for the applicant

Ms.Gunkirat Kaur, Assistant Advocate General, Punjab

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.109 dated 25.06.2016 registered under Sections 307, 458, 436, 332, 353, 186, 427, 148, 149 IPC and Sections 25, 54, 59 of the Arms Act, 1959 and Section 4 of the Prevention of Damage to Public Property Act, 1984 at Police Station City-1, Malerkotla, District Sangrur.

The petitioner and his co-accused are being prosecuted for having inflicted injuries on Siraj Malik which include injuries which have been declared dangerous to life.

Learned counsel for the petitioner contends that the petitioner who is 30 years old man has been falsely implicated in this case; there is no other criminal case being faced by the petitioner; the petitioner is in custody for the last over 4 months; after investigation the petitioner was found

innocent and has been summoned to face trial only on bald allegations by the complainant; all the material witnesses of the prosecution have been examined before the trial Court and that since 32 prosecution witnesses still remain to be examined the petitioner's trial will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he faces serious allegations of attempt to murder and damage to public property.

After investigation, the petitioner was found innocent; he does not face any other criminal case; he has been in custody for the last over 4 months; all the material witnesses of the prosecution have been examined before the trial Court and that since 32 prosecution witnesses still remain to be examined the petitioner's trial is likely to take a long time to conclude.

In view of the above, 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, Sangrur, 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.

11.02.2022
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No