

Sr. No. 213
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.42994 of 2020(O&M)
Date of Decision: 11.07.2022

Gurjit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Bipan Ghai, Sr. Advocate, with
Mr. P.S. Bindra, Advocate, and
Mr. Rishabh Singla, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Sandeep Kumar, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.66 dated 13.04.2019, under Sections 302, 307, 323, 427, 452, 34 & 506 IPC (Sections 148 & 149 IPC deleted later on) and Sections 3 & 4 of the Scheduled Castes and Scheduled Tribes (Preventions of Atrocities) Act, 1989 and Sections 25, 54 & 59 of the Arms Act, 1959, registered at Police Station Sadar Jagraon, District Ludhiana Rural.

It has been submitted by learned Senior counsel for the petitioner that the petitioner is in custody since 14.04.2019, which is approximately 3 years and 02 months. He submitted that the investigation

of the case has already been completed and the challan has been presented and the matter has been submitted to the Court of Sessions. Thereafter, the trial commenced and all the material witnesses including the three eye-witnesses have since been examined. He further submitted that it was a case of version and cross-version but the police intentionally did not register the case against the complainant in the present case, but has referred to the injuries sustained by the present petitioner also and the other two persons in this regard. He further submitted that the petitioner has got clean antecedents and is not involved in any other case and in fact, the complainant party was the aggressor party and it is yet to be decided at the time of trial that as to who was the aggressor party since the fight had taken place in the vicinity where both the petitioner and the complainant were residing at the same village. He further submitted that be that as it may, the petitioner has already suffered incarceration for more than three years and the material witnesses including all the eye- witnesses have been examined and therefore, has prayed for the grant of regular bail to the petitioner.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody since 14.04.2019, which is almost 03 years and 02 months and the material witnesses including the eye-witnesses have since been examined. He has also submitted that it is correct that the petitioner is not involved in any other case. However, he has opposed the grant of regular bail on the ground that the matter is serious in nature.

Learned counsel appearing on behalf of the complainant has submitted that so far as the fact that the material witnesses including the eye-witness being examined is concerned, the same is correct. He has

submitted that however, the specific allegations have been attributed to the petitioner and it is a matter, which is serious in nature and therefore, he should not be granted the relief of regular bail.

I have heard learned counsels for the parties.

The petitioner is in custody since 14.04.2019, which is approximately 03 years and 02 months. As per the learned counsels for the parties, the material witnesses including the three eye-witnesses have been examined and the petitioner is not involved in any other case. The fact that as to who was the aggressor party is to be seen at the time of trial and the trial of the case may take long time. Furthermore, it is neither the case of the State nor it has been argued by learned State counsel that in case the petitioner is released on bail then he may abscond from justice or repeat the offence.

Therefore, in view of the aforesaid facts and circumstances of the present case and especially the long period of custody of the petitioner, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

11.07.2022

monika

**(JASGURPREET SINGH PURI)
JUDGE**

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