

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

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CRM-M-46667-2021 (O&M)

Date of Decision: 06.04.2022

PAWAN @ PAWANPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.55 dated 26.12.2020, registered under Sections 323, 324, 326, 379-B, 201 and 34 IPC (Section 379-B deleted and Sections 326, 201 IPC added later on), at Police Station GRP Jalandhar, District Jalandhar.

Learned counsel for the petitioner submits that there is an unexplained delay of two days in lodging the present FIR; that, as per the contents of the FIR, though a datar blow on the back side of the head of the complainant has been attributed to the petitioner, yet the fact remains that as per MLR the injury was on the forehead of the complainant, which was grievous in nature and that the petitioner has been in custody since 06.08.2021. He further submits that, as far as, another case registered against the petitioner is concerned, the petitioner stands acquitted in the said case on 06.01.2018.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he gave injury on the vital part of the complainant and that as per the MLR dated 24.12.2020, the said injury was kept under surgical opinion and declared grievous in nature. He further submits that post framing of the charges, the prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 06.08.2021. In another case registered against the petitioner, the petitioner stands acquitted in the said case. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of both the sides, 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 learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

06.04.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*