

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

CRM-M-43464-2022 (O&M)

Date of decision: 17.11.2022

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. G.S. Simble, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 45 dated 04.09.2021 registered under Sections 341, 323, 324, 506, 148, 149 IPC, (later on added Sections 326 and 308 IPC), at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur. The earlier petition for grant of regular bail to the petitioner was dismissed as withdrawn vide order dated 11.07.2022 passed by this Court and now, as the charges have been framed on 23.08.2022, therefore, the present petition has been filed.

Status report by way of affidavit dated 27.10.2022 of the Deputy Superintendent of Police Headquarters, Batala, Police District Batala and custody certificate dated 16.11.2022 issued by the Superintendent, Central

Jail, Gurdaspur, submitted by the learned State counsel in the Court, are taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that as per the allegation, brick blow injury on the right side of the head of injured-Sikander Singh, which was later on declared dangerous to life; that actually, the family of the petitioner was having possession of a disputed land and the complainant along with other residents of the village tried to take illegal possession of the said land and inflicted injuries to Gurmeet Kaur-mother of the petitioner; that the petitioner has been in custody since 07.09.2021; that the petitioner is not involved in any other case and that charges have been framed.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the occurrence and has given brick blow on the right side of the head of injured-Sikander Singh. At the time of alleged occurrence, the Sarpanch of the village was also present there. Section 308 IPC was added later on vide GD No. 52 dated 08.09.2021. However, he does not dispute the custody period of the petitioner and that there is no other case against the petitioner. He submits that out of 22 prosecution witnesses, none has been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 07.09.2021. The attribution to the petition is brick blow on the head of injured-Sikander Singh. There is no other pending or decided case against the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of

the trial would take time. Hence, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

17.11.2022
Mangal Singh

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