

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-43738 of 2022

Date of Decision: 27.09.2022

Surjit Singh @ Bhola

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Preetinder Singh Ahluwalia, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab

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.59 dated 20.06.2021, under Sections 307, 341, 323, 148 and 149 IPC and Section 25 and 27 of the Arms Act, 1959, registered at Police Station Sadar Rampura, District Bathinda.

It has been submitted by the learned counsel the petitioner that the petitioner is in custody for the last one year and three months and the investigation of the case has already been completed and thereafter charges in the present case have been framed. He submitted that it is a case where there was a dispute with regard to possession of land and the complainant party had rather caused injuries to the son of the petitioner regarding which an MLR has been attached with the present petition as Annexure P-3 and a DDR was registered vide Anneuxre P-2. He submitted that so far as the present petitioner is concerned, he was not even present on the spot and his role was with regard to raising a *Lalkara* as per the prosecution

story. He submitted that it is yet to be ascertained at the time of trial as to who is the aggressor party since both the parties have received injuries. He submitted that earlier also three times dispute arose with regard to the possession of the present land between the parties and the FIRs were registered under Sections 148, 149, 427, 447, 506, 511 IPC. He further submitted that the trial of the case may take long time and therefore the present petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has stated that it is correct that the petitioner has faced incarceration for about one year and three months and the investigation of the case has already been completed and thereafter charges in the present case have been framed. He submitted that the injuries have been caused on both the sides but so far as the present petitioner is concerned, he was the main conspirator and on his instigation the injuries were caused to the complainant.

I have heard the learned counsel for the parties.

In the present case the petitioner is in custody for the last one year and three months and the investigation of the case has been completed and the charges in the present case have been framed. A perusal of Annexures P-1 and P-2 would show that it is a case of version and cross-version wherein injuries have been received by both the parties and it is yet to be seen at the time of trial as to who is the aggressor party and as per the learned counsel for the petitioner, the dispute with regard to the possession of land was pre-existing and earlier also three times dispute had taken place. Be that as it may, it is not the case of the State that in case the petitioner is released on bail, then he may abscond from justice or influence any witness.

Therefore, considering the aforesaid facts and circumstances, 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 to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

September 27, 2022
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(JASGURPREET SINGH PURI)
JUDGE

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