

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43628-2022

Date of decision : 29.11.2022

Gurlal Singh @ Lahla Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Naresh Kumar Manchanda, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.156 dated 23.07.2022 registered under Sections 307, 323, 324, 34 IPC (Section 326 IPC added later on) at Police Station Baghapurana, District Moga.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 22.07.2022 and the investigation is complete and the challan has already been presented and there are 15 witnesses, out of which, none have been examined and thus, the trial is likely to take time. It is submitted that as per the allegations in the FIR, the petitioner has been attributed one injury having been inflicted on the wife of the complainant, which has attracted the offence under section 326 IPC. It is further submitted that the petitioner is not involved in any other case and the dispute in the present case has arisen out of a landlord and tenant

relationship. It is stated that the petitioner, without admitting his liability and only to show his bonafide, is ready to pay Rs.10,000/- as medical expenses incurred by the wife of the complainant.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in addition to the wife of the complainant, the complainant had also suffered two injuries.

Learned counsel for the petitioner, in rebuttal, has submitted that the the said injuries are not stated to be attributed to the present petitioner.

This Court has heard learned counsel for the parties and has perused the paper book.

Keeping in view the above said facts and circumstances, moreso, the fact that the petitioner has been in custody since 22.07.2022 and the investigation is complete and the challan has already been presented and out of 15 witnesses, none have been examined and thus, the trial is likely to take time and also the fact that the petitioner is not involved in any other case and the recovery has already been effected from the present petitioner and the petitioner has been attributed only one injury on the person of the wife of the complainant, thus, 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 concerned trial Court/ Duty Magistrate and subject to him not being required in any other case, subject to the petitioner depositing an amount of Rs.10,000/- within a period of two weeks from today before the trial Court and the trial Court is directed to release the same to injured Manpreet Kaur. The payment of said amount of Rs.10,000/- to the injured Manpreet Kaur would be not construed as an admission of

guilt by the petitioner.

It is made clear that in case the said amount is not deposited by the petitioner in the stipulated period, then the petition shall be deemed to have been dismissed.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

November 29, 2022
Davinder Kumar

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