

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-47986-2022

Date of Decision: 21.11.2022

Sabar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manjit Singh Uppal, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.105 dated 27.11.2021 registered for the offences punishable under Sections 307, 459, 458, 326, 325, 324, 323, 201, 148, 149 IPC at Police Station Khanauri, District Sangrur.

Counsel for the petitioner submits that FIR in the present case was registered against unknown persons who caused injuries to complainant-Surinder Singh on 23.11.2021 and after delay of 3 days, FIR was registered; that after about gap of about one month, the complainant made supplementary statement in which he named the present petitioner and some other accused persons including co-accused Chamkaur Singh. He further submits that the petitioner is in custody since 28.1.2022 and after completion of investigation, the police has presented the challan and charges are framed but trial is yet to commence and thereafter, it will take

time for the trial to conclude. Counsel for the petitioner further submits that similarly situated co-accused Chamkaur Singh has been granted concession of regular bail vide order dated 29.8.2022 in CRM-M-12963-2022.

Present petition is opposed by the State counsel who submits that the petitioner was named in the supplementary statement of the complainant and thereafter, arrested on 28.1.2022. State counsel further submits that during the investigation, one sword was recovered at the pointing of the petitioner and grievous injuries caused with blunt side of sword are attributed to the petitioner. However, State counsel has not refuted the fact that after completion of investigation, now charges have been framed but trial is yet to commence.

I have considered the submissions made by the counsel for the parties.

FIR in this case was registered against unidentified persons who assaulted the complainant on 23.11.2021 and thereafter, FIR was registered on 27.11.2021 and the petitioner was nominated as accused on the basis of the supplementary statement of the complainant which was recorded after a gap of more than one month. The petitioner was arrested on 28.1.2022 and challan presented and charges are framed but till date, no prosecution witness has been examined. It will take time for conclusion of trial. Admittedly, co-accused Chamkaur Singh who was not named in the FIR has already been granted regular bail by this Court vide order dated 29.8.2022. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

November 21, 2022

Paritosh Kumar

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