

101

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

CRM-8044-2023 in/and
CRM-M-198-2023 (O&M)
Date of decision : 24.02.2023

Gobind Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pardhuman Garg, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

CRM-8044-2023

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case from 20.03.2023 to some early date.

Learned counsel for the applicant-petitioner has submitted that on 09.02.2023, he was in personal difficulty and thus, could not appear. It is further submitted that similarly placed co-accused of the petitioner has been granted the concession of regular bail vide order dated 09.02.2023 passed in CRM-M-53967-2022 by this Court and thus, prays for preponement of the date of hearing in the main case.

Keeping in view the abovesaid facts and circumstances, the present application is allowed and the date of hearing in the main case is preponed from 20.03.2023 to today and the same is taken on Board today itself for final disposal.

Main case

This is the third petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.222 dated 21.09.2021 registered under Sections 379B, 323, 34 of Indian Penal Code, 1860 and Sections 325 and 411 of IPC have been added later on at Police Station Kotwali Nabha, District Patiala, Punjab.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 04.05.2022 and there are 21 prosecution witnesses, out of which, only 8 witnesses have been examined and thus, the conclusion of trial is likely to take time. It is further submitted that last bail application of the petitioner was dismissed as withdrawn at that stage on 15.11.2022 and even thereafter, co-accused of the petitioner namely Inderpreet Singh has been granted the concession of regular bail by this Court vide order dated 09.02.2023 passed in CRM-M-53967-2022 and the case of the petitioner is on a similar footing as that of the said Inderpreet Singh. It is contended that the petitioner was not named in the FIR which was registered on 21.09.2021 and was only subsequently named in the supplementary statement of the complainant which was recorded on 03.05.2022. It is further contended that the petitioner is not involved in any other case.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that the petitioner has been named in the supplementary statement of the complainant and the mobile phone of the complainant has been recovered from the present petitioner. It is further submitted that the complainant had chased the petitioner and other co-accused and in that process, the petitioner and the other co-accused pushed her, on account of which, she had suffered injuries. However, other facts have not been disputed by him.

Keeping in view the abovesaid facts and circumstances more so, the facts that the petitioner is in custody since 04.05.2022 and out of 21 prosecution witnesses, only 8 witnesses have been examined as yet and thus, the conclusion of trial is likely to take time and that the petitioner is not involved in any other case and that the petitioner was not named in the FIR which was registered on 21.09.2021 and was only subsequently named in the supplementary statement of the complainant which was recorded on 03.05.2022 and also the fact that the co-accused of the petitioner namely Inderpreet Singh has been granted the concession of regular bail by this Court vide order dated 09.02.2023, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the

petitioner to threaten 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 an 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 application.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

24.02.2023

Pawan

(VIKAS BAHL)
JUDGE

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

Whether reportable:- **Yes/No**